



State of West Virginia
Department of Administration
Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

Request for Quotation

RFQ NUMBER
EDD314925

PAGE
1

ADDRESS CORRESPONDENCE TO ATTENTION OF
SHELLY MURRAY 304-558-8801

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DEPARTMENT OF EDUCATION

BUILDING 6
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV
25305-0330

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DATE PRINTED	TERMS OF SALE	SHIP VIA	F.O.B.	FREIGHT TERMS
05/06/2009				

BID OPENING DATE: 06/17/2009 BID OPENING TIME 01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
REQUEST FOR PROPOSAL						
THE WEST VIRGINIA PURCHASING DIVISION, FOR THE AGENCY, THE WEST VIRGINIA DEPARTMENT OF EDUCATION, IS SOLICITING PROPOSALS FOR AN ONLINE E-LEARNING PLATFORM AND SERVICES FOR WEST VIRGINIA VIRTUAL SCHOOL AND WEST VIRGINIA PK-12 SCHOOLS AND DISTRICTS PER THE ATTACHED SPECIFICATIONS.						
TECHNICAL QUESTIONS MUST BE SUBMITTED IN WRITING TO SHELLY MURRAY IN THE WEST VIRGINIA PURCHASING DIVISION VIA MAIL AT THE ADDRESS SHOWN IN THE BODY OF THIS RFP, VIA FAX AT 304-558-4115, OR VIA EMAIL AT SHELLY.L.MURRAY@WV.GOV. DEADLINE FOR ALL TECHNICAL QUESTIONS IS 05/27/2009 AT THE CLOSE OF BUSINESS. ALL TECHNICAL QUESTIONS RECEIVED, IF ANY, WILL BE ADDRESSED BY ADDENDUM AFTER THE DEADLINE.						
QUESTIONS CONCERNING THE ACTUAL PROCESS BY WHICH A VENDOR MAY SUBMIT A PROPOSAL TO THE STATE OF WEST VIRGINIA ARE NOT CONSIDERED TO BE TECHNICAL QUESTIONS AND MAY BE SUBMITTED ANY TIME PRIOR TO THE RFP OPENING DATE AND IN ANY FORMAT.						
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CONSULTING, EDUCATIONAL						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

SIGNATURE	TELEPHONE	DATE
TITLE	FEIN	ADDRESS CHANGES TO BE NOTED ABOVE

WHEN RESPONDING TO RFQ, INSERT NAME AND ADDRESS IN SPACE ABOVE LABELED 'VENDOR'

GENERAL TERMS & CONDITIONS REQUEST FOR QUOTATION (RFQ) AND REQUEST FOR PROPOSAL (RFP)

1. Awards will be made in the best interest of the State of West Virginia.
2. The State may accept or reject in part, or in whole, any bid.
3. All quotations are governed by the *West Virginia Code* and the *Legislative Rules* of the Purchasing Division.
4. Prior to any award, the apparent successful vendor must be properly registered with the Purchasing Division and have paid the required \$125 fee.
5. All services performed or goods delivered under State Purchase Order/Contracts are to be continued for the term of the Purchase Order/Contracts, contingent upon funds being appropriated by the Legislature or otherwise being made available. In the event funds are not appropriated or otherwise available for these services or goods, this Purchase Order/Contract becomes void and of no effect after June 30.
6. Payment may only be made after the delivery and acceptance of goods or services.
7. Interest may be paid for late payment in accordance with the *West Virginia Code*.
8. Vendor preference will be granted upon written request in accordance with the *West Virginia Code*.
9. The State of West Virginia is exempt from federal and state taxes and will not pay or reimburse such taxes.
10. The Director of Purchasing may cancel any Purchase Order/Contract upon 30 days written notice to the seller.
11. The laws of the State of West Virginia and the *Legislative Rules* of the Purchasing Division shall govern all rights and duties under the Contract, including without limitation the validity of this Purchase Order/Contract.
12. Any reference to automatic renewal is hereby deleted. The Contract may be renewed only upon mutual written agreement of the parties.
13. **BANKRUPTCY:** In the event the vendor/contractor files for bankruptcy protection, this Contract may be deemed null and void, and terminated without further order.
14. **HIPAA BUSINESS ASSOCIATE ADDENDUM:** The West Virginia State Government HIPAA Business Associate Addendum (BAA), approved by the Attorney General, and available online at the Purchasing Division's web site (<http://www.state.wv.us/admin/purchase/vrc/hipaa.htm>) is hereby made part of the agreement. Provided that, the Agency meets the definition of a Cover Entity (45 CFR §160.103) and will be disclosing Protected Health Information (45 CFR §160.103) to the vendor.
15. **WEST VIRGINIA ALCOHOL & DRUG-FREE WORKPLACE ACT:** If this Contract constitutes a public improvement construction contract as set forth in Article 1D, Chapter 21 of the West Virginia Code ("The West Virginia Alcohol and Drug-Free Workplace Act"), then the following language shall hereby become part of this Contract: "The contractor and its subcontractors shall implement and maintain a written drug-free workplace policy in compliance with the West Virginia Alcohol and Drug-Free Workplace Act, as set forth in Article 1D, Chapter 21 of the West Virginia Code. The contractor and its subcontractors shall provide a sworn statement in writing, under the penalties of perjury, that they maintain a valid drug-free work place policy in compliance with the West Virginia and Drug-Free Workplace Act. It is understood and agreed that this Contract shall be cancelled by the awarding authority if the Contractor: 1) Fails to implement its drug-free workplace policy; 2) Fails to provide information regarding implementation of the contractor's drug-free workplace policy at the request of the public authority; or 3) Provides to the public authority false information regarding the contractor's drug-free workplace policy."

INSTRUCTIONS TO BIDDERS

1. Use the quotation forms provided by the Purchasing Division.
2. **SPECIFICATIONS:** Items offered must be in compliance with the specifications. Any deviation from the specifications must be clearly indicated by the bidder. Alternates offered by the bidder as **EQUAL** to the specifications must be clearly defined. A bidder offering an alternate should attach complete specifications and literature to the bid. The Purchasing Division may waive minor deviations to specifications.
3. Complete all sections of the quotation form.
4. Unit prices shall prevail in case of discrepancy.
5. All quotations are considered F.O.B. destination unless alternate shipping terms are clearly identified in the quotation.
6. **BID SUBMISSION:** All quotations must be delivered by the bidder to the office listed below prior to the date and time of the bid opening. Failure of the bidder to deliver the quotations on time will result in bid disqualifications: Department of Administration, Purchasing Division, 2019 Washington Street East, P.O. Box 50130, Charleston, WV 25305-0130



State of West Virginia
Department of Administration
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2019 Washington Street East
Post Office Box 50130
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EXHIBIT 3						
LIFE OF CONTRACT: THIS CONTRACT BECOMES EFFECTIVE 08/15/2009 AND EXTENDS FOR A PERIOD OF ONE (1) YEAR OR UNTIL SUCH "REASONABLE TIME" THEREAFTER AS IS NECESSARY TO OBTAIN A NEW CONTRACT OR RENEW THE ORIGINAL CONTRACT. THE "REASONABLE TIME" PERIOD SHALL NOT EXCEED TWELVE (12) MONTHS. DURING THIS "REASONABLE TIME" THE VENDOR MAY TERMINATE THIS CONTRACT FOR ANY REASON UPON GIVING THE DIRECTOR OF PURCHASING 30 DAYS WRITTEN NOTICE.						
UNLESS SPECIFIC PROVISIONS ARE STIPULATED ELSEWHERE IN THIS CONTRACT DOCUMENT, THE TERMS, CONDITIONS AND PRICING SET HEREIN ARE FIRM FOR THE LIFE OF THE CONTRACT.						
RENEWAL: THIS CONTRACT MAY BE RENEWED UPON THE MUTUAL WRITTEN CONSENT OF THE SPENDING UNIT AND VENDOR, SUBMITTED TO THE DIRECTOR OF PURCHASING THIRTY (30) DAYS PRIOR TO THE EXPIRATION DATE. SUCH RENEWAL SHALL BE IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT AND SHALL BE LIMITED TO TWO (2) ONE (1) YEAR PERIODS.						
CANCELLATION: THE DIRECTOR OF PURCHASING RESERVES THE RIGHT TO CANCEL THIS CONTRACT IMMEDIATELY UPON WRITTEN NOTICE TO THE VENDOR IF THE COMMODITIES AND/OR SERVICES SUPPLIED ARE OF AN INFERIOR QUALITY OR DO NOT CONFORM TO THE SPECIFICATIONS OF THE BID AND CONTRACT HEREIN.						
OPEN MARKET CLAUSE: THE DIRECTOR OF PURCHASING MAY AUTHORIZE A SPENDING UNIT TO PURCHASE ON THE OPEN MARKET, WITHOUT THE FILING OF A REQUISITION OR COST ESTIMATE, ITEMS SPECIFIED ON THIS CONTRACT FOR IMMEDIATE DELIVERY IN EMERGENCIES DUE TO UNFORESEEN						

SEE REVERSE SIDE FOR TERMS AND CONDITIONS

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<p>CAUSES (INCLUDING BUT NOT LIMITED TO DELAYS IN TRANSPORTATION OR AN UNANTICIPATED INCREASE IN THE VOLUME OF WORK.)</p> <p>QUANTITIES: QUANTITIES LISTED IN THE REQUISITION ARE APPROXIMATIONS ONLY, BASED ON ESTIMATES SUPPLIED BY THE STATE SPENDING UNIT. IT IS UNDERSTOOD AND AGREED THAT THE CONTRACT SHALL COVER THE QUANTITIES ACTUALLY ORDERED FOR DELIVERY DURING THE TERM OF THE CONTRACT, WHETHER MORE OR LESS THAN THE QUANTITIES SHOWN.</p> <p>ORDERING PROCEDURE: SPENDING UNIT(S) SHALL ISSUE A WRITTEN STATE CONTRACT ORDER (FORM NUMBER WV-39) TO THE VENDOR FOR COMMODITIES COVERED BY THIS CONTRACT. THE ORIGINAL COPY OF THE WV-39 SHALL BE MAILED TO THE VENDOR AS AUTHORIZATION FOR SHIPMENT, A SECOND COPY MAILED TO THE PURCHASING DIVISION, AND A THIRD COPY RETAINED BY THE SPENDING UNIT.</p> <p>BANKRUPTCY: IN THE EVENT THE VENDOR/CONTRACTOR FILES FOR BANKRUPTCY PROTECTION, THIS CONTRACT IS AUTOMATICALLY NULL AND VOID, AND IS TERMINATED WITHOUT FURTHER ORDER.</p> <p>THE TERMS AND CONDITIONS CONTAINED IN THIS CONTRACT SHALL SUPERSEDE ANY AND ALL SUBSEQUENT TERMS AND CONDITIONS WHICH MAY APPEAR ON ANY ATTACHED PRINTED DOCUMENTS SUCH AS PRICE LISTS, ORDER FORMS, SALES AGREEMENTS OR MAINTENANCE AGREEMENTS, INCLUDING ANY ELECTRONIC MEDIUM SUCH AS CD-ROM.</p> <p>REV. 04/11/2001</p> <p>EXHIBIT 6</p>						

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<p>PRICE ADJUSTMENT PROVISION: THE STATE OF WEST VIRGINIA WILL CONSIDER BIDS THAT CONTAIN PROVISIONS FOR PRICE ADJUSTMENTS PRIOR TO THE ORIGINAL EXPIRATION OF THE CONTRACT, PROVIDED THAT SUCH PRICE ADJUSTMENT COVERS BOTH UPWARD AND DOWNWARD MOVEMENT OF THE COMMODITY PRICE, AND THAT ADJUSTMENT IS BASED ON THE "PASS THROUGH" INCREASE OR DECREASE OF RAW MATERIALS AND/OR LABOR, WHICH MAKE UP ALL OR A SUBSTANTIAL PART OF A PRODUCT. ADJUSTMENTS ARE TO BE BASED UPON AN ACTUAL DOLLAR FIGURE, NOT A PERCENTAGE. ALL PRICE ADJUSTMENT REQUESTS MUST BE SUBSTANTIATED IN A MANNER ACCEPTABLE TO THE DIRECTOR PURCHASING, E.G. GOVERNMENTAL BENCH MARKS, GENERAL MARKET INCREASE, PUBLISHED PRICE LISTS. SUCH REQUESTS FOR AND INCREASE SHOULD BE RECEIVED IN WRITING BY THE DIRECTOR OF PURCHASING AT LEAST 30 DAYS IN ADVANCE OF THE EFFECTIVE DATE OF THE INCREASE. ANY TIME THE VENDOR REQUESTS A PRICE ADJUSTMENT, THE PURCHASING DIVISION MAY EITHER ACCEPT THE PRICE ADJUSTMENT AND AMEND THE CONTRACT ACCORDINGLY OR REJECT THE ADJUSTMENT IN ITS ENTIRETY AND CANCEL THE CONTRACT.</p> <p>PREFERRED TERMS: IT IS PREFERRED THAT THE PRICES ON THIS CONTRACT ARE FIRM FOR LIFE OF THE CONTRACT, AS INDICATED IN THE LIFE OF CONTRACT CLAUSE CONTAINED HEREIN, NOT TO EXCEED ONE (1) YEAR.</p> <p>PASS THROUGH PRICE INCREASES WILL BE CONSIDERED AT TIM OF CONTRACT RENEWAL ONLY.</p> <p>WORKERS' COMPENSATION: VENDOR IS REQUIRED TO PROVIDE A CERTIFICATE FROM WORKERS' COMPENSATION IF SUCCESSFUL.</p> <p>NOTICE</p>						

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05/06/2009				

BID OPENING DATE:

06/17/2009

BID OPENING TIME

01:30PM

LINE	QUANTITY	UOP	CAT. NO.	ITEM NUMBER	UNIT PRICE	AMOUNT
A SIGNED BID MUST BE SUBMITTED TO:						
DEPARTMENT OF ADMINISTRATION PURCHASING DIVISION BUILDING 15 2019 WASHINGTON STREET, EAST CHARLESTON, WV 25305-0130						
THE BID SHOULD CONTAIN THIS INFORMATION ON THE FACE OF THE ENVELOPE OR THE BID MAY NOT BE CONSIDERED:						
SEALED BID						
BUYER: SHELLY MURRAY						
RFQ. NO.: EDD314925						
BID OPENING DATE: 06/17/2009 (TECHNICAL)						
BID OPENING TIME: 1:30 PM						
PLEASE PROVIDE A FAX NUMBER IN CASE IT IS NECESSARY TO CONTACT YOU REGARDING YOUR BID:						

CONTACT PERSON (PLEASE PRINT CLEARLY):						

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REQUEST FOR PROPOSAL

West Virginia Department of Education

RFP EDD314925

PART 1 GENERAL INFORMATION, TERMS AND CONDITIONS

1.1 PURPOSE:

The Acquisition and Contract Administration Section of the Purchasing Division, hereinafter referred to as "State", is soliciting proposals for the West Virginia Department of Education (WVDE), Office of Instructional Technology, hereinafter referred to as "Agency", to provide a one-year contract with options to renew for four years for an online eLearning platform for the K-12 community. This solicitation serves as notice, pursuant to West Virginia Code §5A-3-10b, of the commodity or service being sought and is to be considered the opportunity for vendors to indicate their interest in bidding on such commodity or service.

1.2 PROJECT:

The mission or purpose of the project is to address eLearning platforms suitable for the K-12 community. This solution is in support of Web-based development and delivery of content both for K-12 students, educators and school staff. The functions of the eLearning platform include, but are not limited to, the creation and/or importing and delivery of instructional content, courses and programs, and automating associated processes such as assigning grades, supporting collaboration, user authentication, document management, assessment, displaying syllabi and calendars. The eLearning platform should also include the creation, importing, and delivery of staff development offerings, including for-credit and not for-credit options. Staff development is defined for the purpose of this RFP as offerings including, but not limited to, formal courses, training, and/or tutorials for school district, county, Regional Education Service Agencies (RESA), and WVDE employees. Solutions should accommodate a full range of content from purely textual to multimedia and virtual laboratory simulations. The eLearning platform solutions should support a wide variety of instructional approaches and support multiple learning styles.

Hosting /ASP (defined as an entity that manages and distributes software-based services and solutions to customers across a wide area network from a central data center) services supporting these functions are required. The solution should address, in addition to hosting options, the migration of existing content and the training/professional development of faculty and students on use of the eLearning solution. Ease of maintenance and integration with other academic and administrative systems will be an important consideration.

A portal is required for this implementation. The portal should function as a window into information organized around specific audiences, programs, and content. Solutions are required to support a range of applications for 1) supplementing traditional classroom

instruction, 2) integrating online and face-to-face instruction for students, teachers, and paraprofessionals, and 3) delivering totally online courses and programs to students, teachers, and paraprofessionals.

The eLearning platform solution will support the West Virginia Virtual School program and its initiatives, including original development of content, migration of existing content from a variety of other eLearning systems, development and delivery of all types of K-12 subject matter, development and delivery of staff and professional development options (e.g., short tutorials, not-for-credit course or training options, and full-blown for-credit course options).

1.3 RFP FORMAT:

This RFP has four parts. "Part 1" contains general information, terms and conditions; "Part 2" describes the background and working environment of the project; "Part 3" is a statement of the specifications for the services requested pursuant to this RFP, contractual requirements, and special terms and conditions; and "Part 4" explains the required format of the Bidder's response to the RFP, the evaluation criteria the State will use in evaluating the proposals received and how the evaluation will be conducted.

1.4 INQUIRIES:

Additional information inquiries regarding specifications of this RFP must be submitted in writing to the State Buyer with the exception of questions regarding the proposal submission which may be oral. The deadline for written inquiries is identified in the Schedule of Events, Section 1.16. All inquiries of specification clarification must be addressed to:

Shelly Murray, Senior Buyer
Purchasing Division
2019 Washington Street, East
P.O. Box 50130
Charleston, WV 25305-0130
Fax: (304) 558-4115

The vendor, or anyone on the vendor's behalf, is not permitted to make any contact whatsoever with any member of the evaluation committee. Violation may result in rejection of the bid. The State Buyer named above is the sole contact for any and all inquiries after this RFP has been released.

1.5 VENDOR REGISTRATION:

Vendors participating in this process should complete and file a ***Vendor Registration and Disclosure Statement*** (Form WV-1) and remit the registration fee. Vendor is not required to be a registered vendor in order to submit a proposal, but the **successful bidder must register** and pay the fee prior to the award of an actual purchase order or contract.

1.6 ORAL STATEMENTS AND COMMITMENTS:

Vendor must clearly understand that any verbal representation made or assumed to be made during any oral discussion held between Vendor's representatives and any State personnel is **not** binding. Only the information issued in writing and added to the Request for Proposal specifications file by an official written addendum are binding.

1.7 ECONOMY OF PREPARATION:

Proposals should be prepared simply and economically, providing a straightforward, concise description of Vendor's abilities to satisfy the requirements of the RFP. Emphasis should be placed on completeness and clarity of content.

1.8 LABELING OF RFP SECTIONS:

The sections within this RFP contain instructions governing how the Vendor's proposal is to be arranged, submitted and to identify the material to be included therein.

1.8.1 MANDATORY REQUIREMENTS.

Any specification or statement containing the word "must", "shall", or "will" are mandatory. Section 3 contains mandatory deliverables required upon contract execution. By signing and submitting a response to this RFP, the vendor agrees to all mandatory deliverables described herein. Section 4 describes RFP response requirements, which may be mandatory. The vendor is required to meet all mandatory requirements in order to be eligible for consideration and to continue in the evaluation process. Failure to meet or agree to mandatory items shall result in disqualification of the Vendor's proposal and the evaluation process will be terminated for that vendor. Decisions regarding compliance with any mandatory requirement shall be at the sole discretion of the State.

1.8.2 CONTRACT TERMS AND CONDITIONS:

This Request for Proposals contains all the contractual terms and conditions under which the State of West Virginia will enter into a contract.

1.8.3 INFORMATIONAL SECTIONS:

All non-mandatory information specifications do not require a response from the Vendor. They are intended to aid the vendor in structuring an effective proposal capable of meeting the needs of the issuing agency.

1.9 PROPOSAL FORMAT AND SUBMISSION:

1.9.1 Each proposal should be formatted as per the outline in Part 4 of this RFP. No other arrangement or distribution of the proposal information may be made by the bidder. Failure on the part of the bidder to respond to specific requirements detailed in

the RFP may be the basis for disqualification of the proposal. The State reserves the right to waive any informality in the proposal format and minor irregularities.

1.9.2 State law requires that the original technical and cost proposal be submitted to the Purchasing Division. All proposals must be submitted to the Purchasing Division **prior** to the date and time stipulated in the RFP as the opening date. All bids will be dated and time stamped to verify official time and date of receipt.

1.9.3 Vendors mailing proposals should allow sufficient time for mail delivery to ensure timely arrival. In accordance with West Virginia Code §5A-3-11, the Purchasing Division cannot waive or excuse late receipt of a proposal which is delayed and late for any reason. Any proposal received after the bid opening date and time will be immediately disqualified in accordance with State law and the administrative rules and regulations.

Vendors responding to this RFP shall submit:

One original technical and cost plus (8) convenience copies to:

Purchasing Division
2019 Washington Street, East
P.O. Box 50130
Charleston, WV 25305-0130

The outside of the envelope or package(s) should be clearly marked:

Buyer: Shelly Murray
Req#: EDD314925
Opening Date: 06/17/2009
Opening Time: 1:30 pm

1.9.4. Best Value Purchasing Standard Format

All Requests for Proposals should follow the standard format defined by the Purchasing Division. This format addresses required areas and enables the agency to modify the background and scope of work to meet its needs.

1.9.4.1 *Evaluation Criteria:* All evaluation criteria must be clearly defined in the specifications section and based on a 100 point total score. Based on a 100 point total, cost shall represent a minimum of 30 of the 100 total points in the criteria.

1.9.4.2 *Proposal Format and Content:* Proposals shall be requested and received in two distinct parts: Technical and Cost. The cost portion shall be sealed in a separate envelope and will not be opened initially.

1.9.4.3 *Technical Bid Opening:* The Purchasing Division will open only the technical proposals on the date and time specified in the Request for Proposal. The Purchasing Division representative will read aloud the names of those who responded to the solicitation. The Purchasing Division Buyer will confirm that the original packages contain a separately sealed cost proposal prior to providing the courtesy copies to the agency to begin the evaluation process.

1.9.4.4 Technical Evaluation: The pre-selected, approved evaluation committee will review the technical proposals, deduct appropriate points for deficiencies and make a final written consensus recommendation to the Purchasing Division Buyer. If the Buyer approves the committee's recommendation, the technical evaluation will be forwarded to an internal review committee within the Purchasing Division.

1.9.4.5 Cost Bid Opening: Upon approval of the technical evaluation from the internal review committee, the Purchasing Division shall schedule a time and date to publicly open and read aloud the cost proposals. The agency and the vendors shall be notified of this date.

1.9.4.6 Cost Evaluation and Resident Vendor Preference: The evaluation committee will review the cost proposals, assign appropriate points and make a final consensus recommendation to the Purchasing Division. In accordance with West Virginia Code §5A-3-37, the Purchasing Division will make the determination of the Resident Vendor Preference, if applicable. Resident Vendor Preference provides an opportunity for qualifying vendors to request at the time of bid preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the West Virginia Code. A certificate of application is used to request this preference. A West Virginia vendor may be eligible for two 2.5% preferences in the evaluation process.

1.9.4.7 Contract Approval and Award: After the cost proposals have been opened, the evaluation committee completes its review and prepares the final evaluation making its recommendation for contract award based on the highest scoring vendor. The final evaluation is submitted to the Purchasing Division buyer. Once approved by the buyer, the final evaluation must be reviewed and approved by the Purchasing Division internal review committee. The contract is prepared and signed in the Purchasing Division, forwarded to the Attorney General's Office for approval as to form, encumbered and mailed to the appropriate parties.

1.10 REJECTION OF PROPOSALS:

The State shall select the best value solution according to the evaluation criteria. However, the State reserves the right to accept or reject any or all proposals, in part or in whole at its discretion. The State reserves the right to withdraw this RFP at any time and for any reason. Submission of, or receipt by the State of proposals confers no rights upon the bidder nor obligates the State in any manner.

A contract based on this RFP and the Vendor's proposal, may or may not be awarded. Any contract resulting in an award from this RFP is not valid until properly approved and executed by the Purchasing Division and approved as to form by the Attorney General.

1.11 INCURRING COSTS:

The State and any of its employees or officers shall not be held liable for any expenses incurred

by any bidder responding to this RFP for expenses to prepare, deliver the proposal, or to attend any mandatory prebid meeting or oral presentations.

1.12 ADDENDA:

If it becomes necessary to revise any part of this RFP, an official written addendum will be issued by the State to all bidders of record.

1.13 INDEPENDENT PRICE DETERMINATION:

A proposal will not be considered for award if the price in the proposal was not arrived at independently without collusion, consultation, communication or agreement as to any matter relating to prices with any competitor unless the proposal is submitted as a joint venture.

1.14 PRICE QUOTATIONS:

The price(s) quoted in the bidder's proposal will not be subject to any increase and will be considered firm for the life of the contract unless specific provisions have been provided for adjustment in the original contract.

1.15 PUBLIC RECORD:

1.15.1 Submissions are Public Record.

All documents submitted to the State Purchasing Division related to purchase orders or contracts are considered public records. All bids, proposals or offers submitted by bidders shall become public information and are available for inspection during normal official business hours in the Purchasing Division Records and Distribution center after the bid opening.

1.15.2 Written Release of Information.

All public information may be released with or without a Freedom of Information request, however, only a written request will be acted upon with duplications fees paid in advance. Duplication fees shall apply to all requests for copies of any document. Currently the fees are \$0.50/page, or a minimum of \$10.00 per request which ever is greater.

1.15.3 Risk of Disclosure.

The only exemptions to disclosure of information are listed in West Virginia Code §29B-1-4. Primarily, only trade secrets, as submitted by a bidder, are exempt to public disclosure. The submission of any information to the State by a vendor puts the risk of disclosure on the vendor. The State does not guarantee non-disclosure of any information to the public.

1.16 SCHEDULE OF EVENTS:

Release of the RFP.....	05/08/2009
Vendor's Written Questions Submission Deadline.	05/27/2009
Addendum Issued	TBD
Bid Opening Date	06/17/2009
Oral Presentation	TBD

1.17 MANDATORY PREBID CONFERENCE:

A mandatory prebid conference will not be conducted for this RFP. In lieu of the conference, vendors may submit written questions and answers.

1.18 PURCHASING AFFIDAVIT:

West Virginia Code §5A-3-10a requires that all bidders submit an affidavit regarding any debt owed to the State. The affidavit must be signed and submitted prior to award. It is preferred that the affidavit be submitted with the proposal.

1.19 GENERAL TERMS AND CONDITIONS:

By signing and submitting its proposal, the successful Vendor agrees to be bound by all the terms contained in this RFP.

1.19.1 *Conflict of Interest:*

Vendor affirms that it, its officers or members or employees presently have no interest and shall not acquire any interest, direct or indirect, which would conflict or compromise in any manner or degree with the performance or its services hereunder. The Vendor further covenants that in the performance of the contract, the Vendor shall periodically inquire of its officers, members and employees concerning such interests. Any such interests discovered shall be promptly presented in detail to the Agency.

1.19.2 *Prohibition Against Gratuities:*

Vendor warrants that it has not employed any company or person other than a bona fide employee working solely for the vendor or a company regularly employed as its marketing agent to solicit or secure the contract and that it has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award of the contract.

For breach or violation of this warranty, the State shall have the right to annul this contract without liability at its discretion or to pursue any other remedies available under this contract or by law.

1.19.3 *Certifications Related to Lobbying:*

Vendor certifies that no federal appropriated funds have been paid or will be paid, by or on behalf of the company or an employee thereof, to any person for purposes of

influencing or attempting to influence an officer or employee of any Federal entity, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the Vendor shall complete and submit a disclosure form to report the lobbying.

Vendor agrees that this language of certification shall be included in the award documents for all sub-awards at all tiers, including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements, and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this contract was made and entered into.

1.19.4 Vendor Relationship:

The relationship of the Vendor to the State shall be that of an independent contractor and no principal-agent relationship or employer-employee relationship is contemplated or created by the parties to this contract. The Vendor as an independent contractor is solely liable for the acts and omissions of its employees and agents.

Vendor shall be responsible for selecting, supervising and compensating any and all individuals employed pursuant to the terms of this RFP and resulting contract. Neither the Vendor, nor any employees or contractors of the vendor, shall be deemed to be employees of the State for any purposes whatsoever.

Vendor shall be exclusively responsible for payment of employees and contractors for all wages and salaries, taxes, withholding payments, penalties, fees, fringe benefits, professional liability insurance premiums, contributions to insurance and pension or other deferred compensation plans, including but not limited to, Workers' Compensation and Social Security obligations, and licensing fees, etc. and the filing of all necessary documents, forms and returns pertinent to all of the foregoing.

Vendor shall hold harmless the State, and shall provide the State and Agency with a defense against any and all claims including but not limited to the foregoing payments, withholdings, contributions, taxes, social security taxes and employer income tax returns.

The Vendor shall not assign, convey, transfer or delegate any of its responsibilities and obligations under this contract to any person, corporation, partnership, association or entity without expressed written consent of the Agency.

1.19.5 Indemnification:

The Vendor agrees to indemnify, defend and hold harmless the State and the Agency, their officers, and employees from and against: (1) Any claims or losses for services rendered by any subcontractor, person or firm performing or supplying services, materials or supplies in connection with the performance of the contract; (2) Any claims or losses resulting to any person or entity injured or damaged by the Vendor, its officers, employees, or subcontractors by the publication, translation, reproduction, delivery, performance, use or disposition of any data used under the contract in a manner not authorized by the contract, or by Federal or State statutes or regulations; and (3) Any failure of the Vendor, its officers, employees or subcontractors to observe State and Federal laws, including but not limited to labor and wage laws.

1.19.6 Contract Provisions:

After the successful Vendor is selected, a formal contract document will be executed between the State and the Vendor. In addition, the RFP and the Vendor's response will be included as part of the contract by reference. The order of precedence is the contract, the RFP and the Vendor's proposal in response to the RFP.

1.19.7 Governing Law:

This contract shall be governed by the laws of the State of West Virginia. The Vendor further agrees to comply with the Civil Rights Act of 1964 and all other applicable laws and regulations, Federal, State and Local Government.

1.19.8 Compliance with Laws and Regulations:

The vendor shall procure all necessary permits and licenses to comply with all applicable laws, Federal, State or municipal, along with all regulations, and ordinances of any regulating body.

The Vendor shall pay any applicable sales, use or personal property taxes arising out of this contract and the transactions contemplated thereby. Any other taxes levied upon this contract, the transaction, or the equipment, or services delivered pursuant here to shall be borne by the contractor. It is clearly understood that the State of West Virginia is exempt from any taxes regarding performance of the scope of work of this contract.

1.19.9 Subcontracts/Joint Ventures:

The Vendor is solely responsible for all work performed under the contract and shall assume prime contractor responsibility for all services offered and products to be delivered under the terms of this contract. The State will consider the Vendor to be the sole point of contact with regard to all contractual matters. The Vendor may, with the prior written consent of the State, enter into written subcontracts for performance of work under this contract; however, the vendor is totally responsible for payment of all subcontractors.

1.19.10 Term of Contract & Renewals:

This contract will be effective upon award and shall extend for the period of one (1) year, at which time the contract may, upon mutual consent, be renewed. Such renewals are for a period of up to one (1) year, with a maximum of four (4) one year renewals, or until such reasonable time thereafter as is necessary to obtain a new contract. The "reasonable time" period shall not exceed twelve (12) months. During the "reasonable time" period Vendor may terminate the contract for any reason upon giving the Agency ninety (90) days written notice. Notice by Vendor of intent to terminate will not relieve Vendor of the obligation to continue to provide services pursuant to the terms of the contract.

Any change in Federal or State law, or court actions which constitute binding precedent in West Virginia, and which significantly alters the Vendor's required activities or any change in the availability of funds, shall be viewed as binding and shall warrant good faith renegotiation of the compensation paid to the Vendor by the Agency and of such other provisions of the contract that are affected. If such renegotiation proves unsuccessful, the contract may be terminated by the State upon written notice to the Vendor at least thirty (30) days prior to termination of this contract.

1.19.11 Non-Appropriation of Funds:

If the Agency is not allotted funds in any succeeding fiscal year for the continued use of the service covered by this contract by the West Virginia Legislature, the Agency may terminate the contract at the end of the affected current fiscal period without further charge or penalty. The Agency shall give the vendor written notice of such non-allocation of funds as soon as possible after the Agency receives notice. No penalty shall accrue to the Agency in the event this provision is exercised.

1.19.12 Contract Termination:

The State may terminate any contract resulting from this RFP immediately at any time the Vendor fails to carry out its responsibilities or to make substantial progress under the terms of this RFP and resulting contract. The State shall provide the Vendor with advance notice of performance conditions which are endangering the contract's continuation. If after such notice the Vendor fails to remedy the conditions contained in the notice, within the time period contained in the notice, the State shall issue the Vendor an order to cease and desist any and all work immediately. The State shall be obligated only for services rendered and accepted prior to the date of the notice of termination.

The contract may also be terminated by the State with thirty (30) days prior notice.

1.19.13 Changes:

If changes to the original contract become necessary, a formal contract change order will be negotiated by the State, the Agency and the Vendor, to address changes to the terms

and conditions, costs of work included under the contract. An approved contract change order is defined as one approved by the Purchasing Division and approved as to form by the West Virginia Attorney General's Office, encumbered and placed in the U.S. Mail prior to the effective date of such amendment. An approved contract change order is required whenever the change affects the payment provision or the scope of the work. Such changes may be necessitated by new and amended Federal and State regulations and requirements.

As soon as possible after receipt of a written change request from the Agency, but in no event more than thirty (30) days thereafter, the Vendor shall determine if there is an impact on price with the change requested and provide the Agency a written statement identifying any price impact on the contract or to state that there is no impact. In the event that price will be impacted by the change, the Vendor shall provide a description of the price increase or decrease involved in implementing the requested change.

NO CHANGE SHALL BE IMPLEMENTED BY THE VENDOR UNTIL SUCH TIME AS THE VENDOR RECEIVES AN APPROVED WRITTEN CHANGE ORDER.

1.19.14 Invoices, Progress Payments, & Retainage:

The Vendor shall submit invoices, in arrears, to the Agency at the address on the face of the purchase order labeled "Invoice To" pursuant to the terms of the contract. Progress payments may be made at the option of the Agency on the basis of percentage of work completed if so defined in the final contract. Any provision for progress payments must also include language for a minimum 10% retainage until the final deliverable is accepted.

If progress payments are permitted, Vendor is required to identify points in the work plan at which compensation would be appropriate. Progress reports must be submitted to Agency with the invoice detailing progress completed or any deliverables identified. Payment will be made only upon approval of acceptable progress or deliverables as documented in the Vendor's report. Invoices may not be submitted more than once monthly and State law forbids payment of invoices prior to receipt of services.

1.19.15 Liquidated Damages:

According to West Virginia State Code §5A-3-4(8), Vendor agrees that liquidated damages shall be imposed at the rate of \$100 per hour for failure to provide deliverables, meet milestones identified to keep the project on target, or failure to meet specified deadlines. This clause shall in no way be considered exclusive and shall not limit the State or Agency's right to pursue to any other additional remedy to which the State or Agency may have legal cause for action including further damages against the Vendor.

1.19.16 Record Retention (Access & Confidentiality):

Vendor shall comply with all applicable Federal and State of West Virginia rules and

regulations, and requirements governing the maintenance of documentation to verify any cost of services or commodities rendered under this contract by Vendor. The Vendor shall maintain such records a minimum of five (5) years and make available all records to Agency personnel at Vendor's location during normal business hours upon written request by Agency within 10 days after receipt of the request.

Vendor shall have access to private and confidential data maintained by Agency to the extent required for Vendor to carry out the duties and responsibilities defined in this contract. Vendor agrees to maintain confidentiality and security of the data made available and shall indemnify and hold harmless the State and Agency against any and all claims brought by any party attributed to actions of breach of confidentiality by the Vendor, subcontractors or individuals permitted access by Vendor.

PART 2 OPERATING ENVIRONMENT

2.1 LOCATION:

The West Virginia Department of Education (WVDE) is located in Building 6, 1900 Kanawha Boulevard, East, Charleston, WV 25305.

The items and services described are to be used on a statewide basis for West Virginia school districts, the WVDE and Regional Education Service Agencies.

2.2 BACKGROUND:

There are four levels in the West Virginia Public Education System: the individual school, the County Board of Education (District or Local Education Agency or LEA), the Regional Education Service Agency (RESA), and the West Virginia Department of Education (WVDE) serving the State Board of Education. Each of these levels will work closely together to ensure a successful implementation.

The Office of Instructional Technology within the West Virginia Department of Education (WVDE) implements instructional technology legislation and statewide instructional technology initiatives and related policies including 21st Century Tools for 21st Century Schools, the West Virginia Virtual School, Policy 2460 Acceptable Use Policy, K-12 email accounts, Learning Skills and Technology Tools CSOs, and K-12 listservs for instructional technology. The Office administers competitive grants and other partnerships such as E-rate, the federal EdTech Program, SAS Curriculum Pathways, and Thinkfinity. Additionally, the Office coordinates instructional technology resources, such as technology strategic planning, Internet resources and lesson plan sites, Internet filtering, and other infrastructure guidelines. For more information on the WVDE and Office of Instructional Technology initiatives visit <http://wvde.state.wv.us> and <http://wvde.state.wv.us/technology>. The West Virginia Virtual School (WVVS) is one of the state's instructional technology initiatives.

Legislation: Senate Bill 584 Creates the West Virginia Virtual School

(<http://virtualschool.k12.wv.us/vschool/index.html>)

The West Virginia Virtual School was created by legislation and became effective on July 1, 2000. It was created within the WVDE to offer high quality educational courses to students through Internet technology, regardless of school location or size.

The West Virginia Legislature found that:

- West Virginia schools have improved and expanded Internet access, which enables schools to offer courses through the Internet, and other new and developing technologies.
- Current technology is available to provide students with more resources for learning, and new and developing technologies offer even more promise for expanded opportunities.
- A number of other states and other jurisdictions have developed Internet-based instruction which is available currently and which is being used by schools in the state.
- To better educate the students of West Virginia, more course and class offerings can be made available through technology, especially to students who are geographically disadvantaged.

Program

A typical high school class offers benefits and advantages that an Internet delivered course does not attempt to replicate. However, online courses have benefits in that they allow students to develop their own self- motivation skills, time and project management skills, and other skills necessary for success in the academic arena and the world of work. Additionally, educators and students are finding that an online component to accompany a typical high school class can bring the best of both to the learning environment. The use of learning objects, ePortfolios, drop boxes and other platform features provide tools to enhance learning environments and are desirable tools for educators and students.

West Virginia students, like their peers nationally, are taking courses that are not available at their local schools or that they are not able to schedule due to conflicts. The Virtual School offers required courses in English, mathematics, science, and social studies. Advanced placement courses are also offered and are among the most requested services of the Virtual School. Additionally, elective, enrichment, and remediation classes are available, including several Information Technology courses. A variety of upper-level mathematics and Foreign Language courses are also available.

Current eLearning Environment

Currently, the WVDE is using the Desire2Learn eLearning platform to deliver Spanish courses, e-learning for Educators courses, high-volume online testing, and other in-house developed content. This is a vendor-hosted solution and includes support and maintenance services. Additionally, a Learning Object Repository (LOR) is being populated and an ePortfolio

component has been added. Approximately 900 K-12 students and several hundred educators are currently using this eLearning platform on a regular basis with additional use by large groups for surveys, assessments and one-time targeted learning assignments. Our current number of active users is 30,000 annually.

PART 3 PROCUREMENT SPECIFICATIONS AND DELIVERABLES

3.1 GENERAL REQUIREMENTS:

Part 3 describes the specifications and/or deliverables desired to meet the scope of this project. Bidders are expected, in Part 4, to provide detailed responses to each item described in this section. Each response should be clear and concise, providing the bidder's proposed solution and demonstrating their understanding of the project. Each item in Part 4 relates to the corresponding specification in Part 3 and provides guidance as to the format of the response and/or the goal of the project.

The mission or purpose of this project is to provide an eLearning solution for the K12 community. The Mandatory Project Components are:

- Prime Vendor/ Vendor's Product Offering
- eLearning Tools
- Course Development and Revision Tools
- Management Tools
- Technical Specifications
- Vendor Services
- Portal

The bidder **must** bid solutions to all mandatory components. The WVDE intends to award a total solution. The State reserves the right to accept or reject any or all proposals, in whole or in part.

A checklist of mandatory and desirable items has been included in Appendix C, Proposal Checklist, for the bidder's use in ensuring that all items have been addressed.

If there are costs associated with any specification, the bidder must identify them on the component cost sheets in the cost proposal **ONLY** and **NOT** in the written technical proposal.

Inclusion of cost information in the written technical proposal will result in disqualification of the bidder's proposal from further consideration.

3.2 SCOPE OF WORK:

3.2.A. PRIME VENDOR/ VENDOR'S PRODUCT OFFERING

The term eLearning solution is defined in this document as an integrated learning and content management system with delivery capabilities appropriate for the K-12 community.

- 3.2.A.1 Bidders responding to this RFP **will** fulfill the prime vendor/systems integrator responsibilities as outlined in this RFP.
- 3.2.A.2 Bidder **must** act as the point of contact for the WVDE for products and services on any contract resulting from this RFP.
- 3.2.A.3 Bidder's organization **must** be large enough and have appropriate qualifications and resources to successfully implement the project.
- 3.2.A.4 Bidder **must** have experience with projects of similar size and scope.
- 3.2.A.5 Bidder **must** propose an eLearning solution suitable for the K-12 environment to support Web-based development and delivery of content.
- 3.2.A.6 All components of the eLearning solution **should** be an integral part of the product, rather than separate and/or third-party products.
- 3.2.A.7 If any of the functions are provided by a third-party product(s), the product(s) **must** be proven to fully integrate with bidder's proposed product.
- 3.2.A.8 The eLearning system proposed **must** support the creation, importing, and delivery of instructional content for K-12 and staff development.
- 3.2.A.9 The bidder **must** provide training tutorials, manuals, etc., for all users covered by this proposal (i.e. students, instructors, and administrators).
- 3.2.A.10 The bidder **should** have a product releases/upgrade improvement schedule.
- 3.2.A.11 The bidder **should** work with industry-related working groups and conform to industry related standards.
- 3.2.A.12 The proposed eLearning solution **must** be compatible with the Sharable Content Object Reference Model (SCORM).
- 3.2.A.13 The proposed eLearning solution **should** be compliant for all accessibility standards.
- 3.2.A.14 The bidder **must** include a copy of any license agreement proposed. *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.).*

3.2.B ELEARNING TOOLS

- 3.2.B.1 The bidder's eLearning solution **must** include the capability for file exchange, defined as tools that allow learners to upload files from their local computers and share these files
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with instructors and/or other students in an online course.

- 3.2.B.2 The proposed eLearning solution **must** provide internal email, defined as electronic mail that can be restricted to send and receive exclusively from inside an online course, and **must** provide an option to send and receive all Internet e-mail.
 - 3.2.B.3 The bidder's eLearning solution **must** include asynchronous threaded discussions, which could be defined as forums organized into categories so that the exchange of messages and responses are grouped together and easy to find.
 - 3.2.B.4 The proposed eLearning solution **should** support the capability for synchronous application sharing defined as application that allows multiple users to simultaneously access an application or document running on one user's computer.
 - 3.2.B.5 The proposed eLearning solution **should** support online journal/notes, defined as tools enabling students to take notes to keep a journal inside the course in a private workspace, either for student's private use or to be shared with the instructor.
 - 3.2.B.6 The proposed eLearning solution **should** support the capability for an electronic whiteboard (also called smartboard), defined as an electronic version board used by instructors and students in a virtual classroom.
 - 3.2.B.7 The proposed eLearning solution **should** support the capability for synchronous chat, defined as a conversation between people over the Internet that involves exchanging messages back and forth at virtually the same time, including Internet relay chat and instant messenger, and may include an archive function.
 - 3.2.B.8 The proposed eLearning solution **should** support the capability for instant messaging, defined as messaging from one computer to another typically by means of small 'pop-up' windows.
 - 3.2.B.9 The proposed eLearning solution **should** support the capability for Audio/Video Services, defined as enabling synchronous and asynchronous voice (audio) and picture (video) interaction as part of the course.
 - 3.2.B.10 The proposed eLearning solution **should** provide the capability to do group work, defined as the capacity to organize a class into groups and provide group workspace that enables students to work together on specific projects or tasks, as assigned by the instructor.
 - 3.2.B.11 The proposed eLearning solution **must** provide the capability to create ePortfolios, defined as tools for users to collect, organize, and present documentation related to their education and life experiences.
 - 3.2.B.12 The proposed eLearning solution **must** provide standardized reporting on student progress in a course.
 - 3.2.B.13 The proposed eLearning solution **must** include an integrated online grade book.
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- 3.2.B.14 The proposed eLearning solution **must** include an integrated online calendaring system.
- 3.2.B.15 The proposed eLearning solution **should** provide instructor community-building tools, defined as tools enabling online instructors to create a community with other instructors to share ideas or build knowledge.

3.2.C COURSE DEVELOPMENT TOOLS

- 3.2.C.1 The proposed eLearning solution **must** provide a variety of tools to facilitate creation of courses.
- 3.2.C.2 The proposed eLearning solution **must** include assessment tools.
- 3.2.C.3 The proposed eLearning solution **must** provide course evaluation/feedback features.
- 3.2.C.4 The proposed eLearning solution **should** include tools for developing and measuring standards-based learning.
- 3.2.C.5 The proposed eLearning solution **should** provide the ability to create master courses, defined as templates on which courses and sections are based and automatically updated as changes are made to the master course.
- 3.2.C.6 The proposed eLearning solution **must** address assets, learning objects, and shareable content objects.
- 3.2.C.7 The proposed eLearning solution **should** provide documentation, tutorials, and/or services with the product that instruct content developers on creating Reusable Learning Objects.
- 3.2.C.8 The proposed eLearning solution **must** provide organization, management, and access to directories and files.
- 3.2.C.9 The proposed eLearning solution **should** provide templates or wizards to facilitate creation of course content and activities.
- 3.2.C.10 The proposed eLearning solution **must** provide developer resource tools available within the product.
- 3.2.C.11 The proposed eLearning solution **must** provide course customization capabilities.
- 3.2.C.12 The proposed eLearning solution **must** provide for course content revisions management.

3.2.D MANAGEMENT TOOLS

- 3.2.D.1 The proposed eLearning solution **must** provide user administration functions.
 - 3.2.D.2 The proposed eLearning solution **must** provide integrated course administration functions, rather than separate and/or third-party products.
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- 3.2.D.3 The proposed eLearning solution **must** provide course and course section management capabilities.
- 3.2.D.4 The proposed eLearning solution **must** provide options for learning cycle management.
- 3.2.D.5 The proposed eLearning solution **must** have ability to import/export courses and course components from other eLearning Management systems.
- 3.2.D.6 The proposed eLearning solution **should** provide for multi-site support.
- 3.2.D.7 The proposed eLearning solution **must** provide for system security functions.
- 3.2.D.8 The proposed eLearning solution **should** provide tools for searching the entire scope of all content and communication in all courses.
- 3.2.D.9 The proposed eLearning solution **should** provide for offline data archiving functions.
- 3.2.D.10 The proposed eLearning solution **must** provide reporting capabilities.
- 3.2.D.11 The proposed eLearning solution **should** provide WV Department of Education direct access to databases via ODBC or other standard protocols.

3.2.E TECHNICAL SPECIFICATIONS:

- 3.2.E.1 The bidder **must** include technical specifications for implementation of proposed eLearning solution.
- 3.2.E.2 The bidder **must** include integration capability specifications for proposed eLearning solution.
- 3.2.E.3 The proposed eLearning solution **must** support a Common User Interface.
- 3.2.E.4 The proposed eLearning solution **must** have system security.
- 3.2.E.5 The proposed eLearning solution **must** have database management capabilities.
- 3.2.E.6 The proposed eLearning solution **must** have scalability.
- 3.2.E.7 The proposed eLearning solution **must** have search capabilities.
- 3.2.E.8 The proposed eLearning solution **must** be based on commonly used protocols for data communication.
- 3.2.E.9 The proposed eLearning solution **must** be browser-based using commonly available work stations and operation systems.

3.2.F VENDOR SERVICES:

- 3.2.F.1 The bidder **must** provide Hosted Solution/ASP capabilities. (ASP is defined as an entity that manages and distributes software-based services and solutions to customers
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across the public Internet from a central data center.)

- 3.2.F.2 The bidder **must** provide installation and configuration of the proposed eLearning solution within 30 calendar days of bidder's receipt of purchase order. *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.)*
- 3.2.F.3 The bidder **must** convert four Spanish courses and 30 professional development workshops from current D2L eLearning platform to winning bidder's platform within ten business days following installation and configuration of software. *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.)*
- 3.2.F.4 The bidder **should** be able to convert data and content from D2L eLearning systems to the proposed eLearning system.
- 3.2.F.5 The bidder **must** provide helpdesk and technical support services for system administrators.
- 3.2.F.6 The bidder **must** provide end user helpdesk services for instructors, students and parents.
- 3.2.F.7 The bidder **must** provide maintenance services and software updates.
- 3.2.F.8 The bidder **must** provide staff development/training for administrative and technical staff, instructors, Teaching Assistants, K-12 mentors, course facilitators, tutors, and/or developers.
- 3.2.F.9 The bidder **must** provide consulting and/or professional services.

3.2.G PORTAL

- 3.2.G.1 The proposed eLearning solution **must** contain a portal.
- 3.2.G.2 The proposed eLearning solution **should** provide for end-user organizational home page capabilities.

PART 4 PROPOSAL FORMAT AND RESPONSE REQUIREMENTS

4.1 VENDOR'S PROPOSAL FORMAT:

The information below outlines the format the bidder should follow in arranging the written technical proposal. The proposal should be formatted in the same order and provide the information listed below.

Title page - Should state the RFP Subject and number, the name of the Vendor, Vendor's business address, telephone number, name of authorized contact person to speak on behalf of the Vendor, dated and signed.

Table of Contents - Clearly identify the material by section and page number.

Responses to Section 3.2 and 4.2 - The written technical proposal should be provided in a 3-ring binder with tabs and should be organized with the component information provided under appropriate tabs. The bidder's proposal should be formatted to include the responses to the proposal components under separate and clearly labeled sections in the written technical proposal.

The bidder's proposal **shall** be submitted in hard copy.

Bidders are discouraged from submitting advertising literature, unless they contain information directly related to the proposal response and there is a specific reference in the response to the page number(s) where relevant sections are to be found. Proposals should be prepared simply and economically, providing a straightforward, concise description of the bidder's capability to satisfy the RFP requirements. Special bindings, color displays, promotional materials, etc., are not desired. Emphasis should be on completeness and clarity of content.

In preparing a response, the bidder should first restate the specification, and then include the bidder's response.

In the written technical proposal, the bidder should respond to RFP specifications with relevant discussion, thoroughly describing the means proposed to satisfy the needs identified under each component.

If applicable, sign and submit the attached Resident Vendor Preference Certificate with the proposal.

4.2 EVALUATION / RESPONSE REQUIREMENTS

The bidders should respond to the specifications below with sufficient detail to allow the evaluation committee to fairly evaluate and compare the bidder's response to other responses. These specifications correspond to the deliverables/specifications in Section 3.2.

4.2.A PRIME VENDOR/ VENDOR'S PRODUCT OFFERING

- 4.2.A.1 The bidder **should** describe the bidder's plans for implementing the prime vendor/systems integrator responsibilities and the single point-of-contact requirement outlined in specifications 3.2.
 - 4.2.A.2 The bidder **should** describe its ability to act as the point of contact for products and services on any contract resulting from this RFP. Bidder **should** describe the proposed project management plan and the bidder's internal procedures for project implementation.
 - 4.2.A.3 The bidder **should** describe the structure of its organization, the hierarchy, and the capacity of the organization to implement this project. The focus of this response should be the organizational strengths and capacities.
 - a. Description of organization
-

- b. Organization's experience in providing the types of products and services requested in this RFP for projects of similar size and scope
- c. Length of time in operation
- d. Number of employees
- e. Number and location of offices
- f. Organization's most recent annual report.

4.2.A.4 The bidder **should** provide a minimum of three client references for the prime vendor that include the following information:

- a. Contact name
- b. Name and address of organization
- c. Telephone number and e-mail address
- d. Description of project
- e. Similarity of project to WV project.

4.2.A.5 The bidder **should** provide a thorough description of each product proposed in response to this RFP. The description should include:

- a. Product name
- b. Version number
- c. Release number
- d. Purpose of product
- e. Product features
- f. How the product functions within the proposed eLearning platform.

4.2.A.6 The bidder **should** list the components and describe how each of the components of the eLearning solution is an integral part of the product and how it integrates into the system (e.g., course content, tests/quizzes, links, student projects, and discussion groups) in a single course. Additionally, Bidder **should** complete the *Table of Tools and Features* in Appendix A.

4.2.A.7 The bidder **should** provide evidence of full integration of any third party products if any of the functions in bidder's proposed eLearning solution is provided by a third-party product and describe relationship with the third-party product vendor.

4.2.A.8 The bidder **should** describe how the proposed eLearning system supports the creation, importing, and delivery of instructional content for K-12 and staff development.

4.2.A.9 The bidder **should** list all training tutorials, manuals, etc., for students, instructors, and administrators included as part of the proposal, how the documentation will be provided (e.g., electronically, hard copy, etc.), the format (Word, PDF, HTML, etc.) and any bidder required restrictions for distributing the documentation.

- a. The bidder should also list available tutorials, manuals, etc., for universal accessibility (Section 508 of the U. S. Rehabilitation Act, as amended), and describe the media and/or format in which each is provided.



- b. The bidder should also describe all available training and tutorial materials for multilingual students.

4.2.A.10 The bidder **should** identify major product release/upgrade improvements and/or changes schedules.

- a. Identify and describe releases and upgrades during the last three years for all products proposed in bidder's proposal response
- b. Outline the bidder's projected software upgrade schedule for the next three years and identify potential development and/or service improvements to be addressed
- c. Identify and describe the process through which users can suggest / request product functionality upgrades and/or enhancements.

4.2.A.11 The bidder **should** list industry-related working groups in which it is involved and should describe such involvement. The bidder **should** list standards to which the bidder's proposed solution conforms and including the following:

- a. Copies of all compliance test results indicating the type and level of compliance/conformance that the product is certified, along with any resulting test logs.
- b. Describe the effect that compliance and/or conformance to the various standards will have on the recommended hardware, software, and browser requirements.
- c. Identify any decrease in product's accessibility functionality when the program is accessed without product's recommended graphics display and sound capability.

4.2.A.12 The bidder **should** identify the SCORM releases that are currently supported and provide a summary of any conformance testing being completed on bidder's software as part of the SCORM release 1.0, 1.1, 1.2, SCORM 2004, etc.

4.2.A.13 The bidder **should** list all standards (i.e., SIF) to which the proposed eLearning solution product conforms, and describe the level of compliance to each standard listed:

- a. Section 508 of the U. S. Rehabilitation Act, as amended
- b. Section 504 of the U. S. Rehabilitation Act, as amended
- c. World Wide Web Consortium (W3C) Web Content Accessibility Guidelines and state and federal requirements for displaying all content in ADA-compliant format

4.2.A.14 The bidder **should** describe software licensing issues (*Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.*).

- a. List any product services included in the license agreement.
 - b. Identify all plug-in components included in the software license.
 - c. Identify if the license provides for automatic upgrades to product's new releases.
 - d. Describe how user licenses are allocated. Describe all licensing models available. It is desirable for software license to be per active user on an annual basis with unlimited courses per user. For example, if 200,000 accounts exist but only 30,000 unique users are enrolled in courses during the year, then only 30,000 licenses would be purchased.
-

- e. Identify whether a license includes use of all components (i.e. LMS, ePortfolio, LOR) in the eLearning solution or if components are licensed separately. If components are licensed separately, list and describe licensing models for all components.
- f. Describe if a single license entitles individual users to be enrolled in multiple courses concurrently.
- g. Describe any online storage allowances or limits per license and options for additional storage per license with a vendor hosted solution.

4.2.B eLEARNING TOOLS - IN ADDITION TO ANY WRITTEN RESPONSES BELOW, THE VENDOR MAY PROVIDE SCREEN CAPTURES OF FEATURES TO MORE FULLY DEMONSTRATE FUNCTIONALITY. PLACE SCREEN CAPTURES IN APPENDIX B WITH REFERENCE TO THE PARTICULAR SPECIFICATION (I.E., 4.2.B.1, 4.2.B.2) NOTED ON THE PAGE WITH THE SCREEN CAPTURE.

4.2.B.1 The bidder **should** describe the product's file exchange capabilities, to include but not necessarily be limited to the following functions:

- a. File upload to common class space for exchange between students
- b. File upload to secure space for exchange with instructor
- c. File downloads
- d. Options for limiting for file size, type, and naming requirement, and preventing upload of files not meeting those specifications
- e. Limitations on use of special or foreign language characters in file names
- f. All file types supported.

4.2.B.2 The bidder **should** describe the product's internal and external email capabilities, to include but not necessarily be limited to the following functions:

- a. Options to allow only internal email, only external email, or to allow both internal and external email
- b. Email management options at the administrator and instructor levels including options for defining file attachment size and mailbox size
- c. Any limits on per user email storage capacity with standard license and vendor-hosting
- d. Describe options for handling full mailboxes, such as automatic purging of oldest messages, notification of full mailbox, etc.
- e. Virus scanning and key word filtering options
- f. Course specific email address books that include students, teachers, administrators
- g. Email to course defined groups
- h. Options for automatic notification of new communications and course changes.

4.2.B.3 The bidder **should** provide screen captures of and describe the capabilities of the asynchronous threaded discussions to include, but not necessarily be limited to, the

following functions:

- a. Ability to thread inside a specific course, course session, etc.
- b. Assignment of threads to specific groups(s)/instructors
- c. Ability to export discussions
- d. Search capabilities
- e. Read all on one page
- f. E-mail thread authors directly from inside the thread
- g. Attach documents to threads
- h. Archiving capabilities
- i. Ability to move comments
- j. Voice thread capabilities
- k. Options for working offline for creating discussion postings and replies and synchronizing at next login (explain technical processes in detail).

4.2.B.4 The bidder **should** describe how the proposed eLearning system supports the capability for Synchronous Application Sharing, including but not limited to the following:

- a. Voice over IP or embedded audio
- b. Applications and file types supported
- c. Text communication to individuals and to group
- d. Management of user access
- e. Record and playback
- f. Relinquishing control to other participants
- g. Screen annotation.

4.2.B.5 The bidder **should** describe the product's journaling or note taking capability, to include but not necessarily be limited to the following functions:

- a. Accessing a course specific journal or a user specific journal accessible from all courses in which student is enrolled
- b. Facilitating of writing assignments where parts are written over time and later assembled into a document
- c. Making personal annotations to the pages of the course that can later be used as a study aid
- d. Sharing of journal in part or whole with other course participants including instructor
- e. Uploading files to journal
- f. Exporting or downloading journal.

4.2.B.6 The bidder **should** describe the product's capabilities to provide the following whiteboard functions, including but not limited to the following:

- a. Create/import content from common applications
 - b. Cut, copy, paste and drag and drop text and graphics
 - c. Print text and graphics
 - d. Insert functioning hyperlinks
 - e. Poll audience and view results (hand-raising, use of emoticons, etc.)
-

- f. Allow keyboard navigation support
- g. Create and navigate between multiple pages
- h. Display math, engineering, science, and foreign language symbols
- i. Store and replay a whiteboard session as a sequence of events or changes to the whiteboard made by students and instructors.

4.2.B.7 The bidder **should** describe how the proposed eLearning solution provides the capability for synchronous chat, including but not limited to the following:

- a. Sessions between group members and session between students and instructors
- b. Privacy within group chat
- c. Document sharing with members of a chat session
- d. Support for embedded hyperlink within a message
- e. Provisions for transcripts and logs.

4.2.B.8 The bidder **should** describe how the product provides instant messaging capabilities, including but not limited to the following:

- a. Messaging between user accounts
- b. Visual and audible notification of new messages
- c. Provisions for transcripts and logs
- d. Creation of buddy lists
- e. Disable instant messaging per user account.

4.2.B.9 The bidder **should** describe how the proposed eLearning solution provides the capability for Audio/Video Services, including but not limited to the following:

- a. Tools for broadcasting video
- b. Two-way or multi-way video conferencing that may be through point-to-point connections or mediated through a central server
- c. Two-way or multi-way audio conferencing
- d. Streaming video
- e. Streaming audio
- f. Podcast support
- g. Voice chat
- h. Voice enabled e-mail
- i. Voice enabled discussion threads.

4.2.B.10 The bidder **should** describe how the proposed eLearning solution provides the capability to do group work, including but not limited to the following:

- a. Blogs
- b. Wikis
- c. Creation of collaborative group workspaces
- d. Decision support tools.

4.2.B.11 The bidder **should** describe how the proposed eLearning solution provides the capability to create an ePortfolio, including but not limited to the following:

- a. Goal-setting
- b. Cumulative achievement (i.e., encompassing a student's entire academic career)
- c. Create, upload, or import artifacts and evidence
- d. List artifact/evidence file types supported, i.e. text, graphic, audio, video, etc.
- e. Import selected course information, coursework, and grades from LMS
- f. Categorize and organize artifacts and evidence
- g. Create relationships between goals and artifacts/evidence
- h. Ability to publish selected artifacts for presentation purposes
- i. Method for soliciting and recording feedback
- j. Method for recording self reflection
- k. Displaying student and group project assignments
- l. Export some or all of the ePortfolio
- m. Management options at the administrator and instructor levels including options for defining artifact size and ePortfolio size
- n. Limits on per user ePortfolio storage capacity with vendor hosting of the portfolios.

4.2.B.12 The bidder **should** describe how the proposed eLearning solution provides standardized reporting on student progress in a course, including, but not limited to, the following:

- a. Last date/time course content/documents were accessed and by whom
- b. Number of times an individual student has logged in to a course
- c. Access time in-course by an individual student and/or entire class
- d. Access time by page by individual student and/or entire class
- e. Number of courses taught, students per course, instructors per semester, and file size of each course.
- f. Summarize all activities taken place in a course since last visited by instructor and/or student
- g. Student progress tracking (i.e., projects completed, assignments missing or past due, and tests taken for access by parents, students, instructors, and administrators)
- h. Options for querying report information phonetically, in English, or other languages
- i. Options for analyzing system usage by student and/or instructor, from an organizational and/or system-wide viewpoint.

4.2.B.13 The bidder **should** describe how the proposed eLearning solution provides an integrated online grade book, including but not limited to the following:

- a. Options to add general classroom grades/participation
 - b. Options to tie grade book to assessments and assignments
 - c. Options to enter grades by column, individual student, and alpha or numeric format
 - d. Options to display category, and calculate weighted grades, percentages, total points and letter grade
 - e. Options to enter partial credit for assignments and projects
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- f. Options to manually grade tests, projects, and assignments and then add to grade book
- g. Options to provide auto-grading online if opted by instructor, and options to make modifications to auto-graded items
- h. Options at the administrative level to turn off instructor choices, including but not limited to options to make changes to auto-graded items
- i. Options for text comments by instructor for student response
- j. Options to display percentage of course completed
- k. Options to allow student access to all of their course grades
- l. Options to display individual student grade relative to overall class ranking, including graphical displays and statistics
- m. Options to sort and group grades as required by instructor (i.e., all quiz totals, class participation, single exam, projects, and assignments)
- n. Options to indicate assignment completion with a checkbox
- o. Options for integration with student information system grading functions (e.g., end of term/year projects, and submission/export of final grade)
- p. Options for instructor to define parameters for viewing of grade book (e.g., range of dates, multiple selections of non-consecutive students or assignments, only students with missing or incomplete assignments, etc.)
- q. Create customizable progress reports with opportunity for Instructor comments on demand by course or student
- r. Generate automatic notices to students for late assignments, tests/quiz scores
- s. Import/export grades to and from a spreadsheet, other external grade book, and student information system
- t. Options for working offline for grading assignments and grade book usage and synchronizing updated grades at next login (explain technical processes in detail).

4.2.B.14 The bidder **should** describe how the proposed eLearning solution provides an integrated online calendaring system, including but not limited to the following:

- a. Ties to course work due dates/timeline
 - b. Displays events from all student's courses
 - c. Allows direct link in a event to other course areas (e.g., content, quiz)
 - d. Provides direct link in an event to external resources/websites/LOR objects
 - e. Provides a global calendar function to schedule organization's events and tie them to multiple course views
 - f. Provides personal entries for both student and instructor
 - g. Ability for instructors to customize section and instructor calendar page (e.g., font, color)
 - h. Ability for students to customize individual calendar page (e.g., font, color)
 - i. Capability for calendar functions to display and print in multiple views (e.g., daily, weekly, monthly).
-

4.2.B.15 The bidder **should** describe how the proposed eLearning solution provides instructor community-building tools, including but not limited to the following:

- a. Frequently Asked Questions (FAQs)
- b. Virtual instructor café
- c. Instructor discussion forums
- d. Online teaching hints and tips
- e. "Best Practices" area
- f. Mentoring services
- g. Buddy systems
- h. Student teaching/Term teaching.

4.2.C COURSE DEVELOPMENT TOOLS - IN ADDITION TO ANY WRITTEN RESPONSES BELOW, THE VENDOR MAY PROVIDE SCREEN CAPTURES OF FEATURES TO MORE FULLY DEMONSTRATE FUNCTIONALITY. PLACE SCREEN CAPTURES IN APPENDIX C WITH REFERENCE TO THE PARTICULAR SPECIFICATION (I.E., 4.2.C.1, 4.2.C.2) NOTED ON THE PAGE WITH THE SCREEN CAPTURE.

4.2.C.1 The bidder **should** describe how the proposed eLearning solution provides a variety of tools to help instructors/developers create course content, including but not limited to the following:

- a. Browser based content authoring tools
- b. Browser based assessment authoring tools
- c. Tools to facilitate creation of course content and activities in world languages.

4.2.C.2 The bidder **should** list and describe the assessment tools provided by the proposed eLearning solution, including but not limited to the following:

- a. Test item question bank/pool format for each course, multiple course sections, and/or instructors
 - b. Random question selection
 - c. Weight assignments for individual questions
 - d. Security for test and test item bank
 - e. Security features (e.g., lock-down browser function, time and date limitations, conditional releases)
 - f. Batch mode importing of test questions from various file formats and third party test item banks
 - g. Multiple questions formats (e.g., true/false, multiple choice, short answer, essay, matching, fill-in-the-blank, image maps)
 - h. Capability to create custom question types
 - i. Support for world language and mathematical symbols in creation of test questions and in student responses
 - j. Options for embedding images, graphs/charts, musical notes, math formulae, scientific notes, audio/video files, and HTML within questions and student responses
-

- k. Tools for self-assessment with a link-back to relevant/specified content based on student response
- l. Options for self-assessment (e.g., ungraded quizzes, student-applied rubrics, simulations, and interactive applets)
- m. Options for attaching multiple files to questions and/or responses
- n. Instructor-assigned controls for issuing/responding to tests (e.g., release and duration time to take test, time limit to complete the test, and limit number of times student can take a test)
- o. Instructor feedback regarding student answers
- p. Auto-grading for all objective questions
- q. Instructor regulated option for students to email answers directly to instructor
- r. Providing a detailed item analysis of test items
- s. Providing multiple test score display options including by grade only, grade with right answer, and/or grade with wrong answer
- t. Option for assessment materials to be either graded or not graded
- u. Anonymous surveys and/or evaluations.

4.2.C.3 The bidder **should** describe how the proposed eLearning solution provides course evaluation features, including but not limited to the following:

- a. Feedback
- b. Surveys
- c. Student and teacher evaluations of courses.

4.2.C.4 The bidder **should** list and describe the tools for developing and measuring standards-based learning provided by the proposed eLearning solution, including but not limited to the following:

- a. Options for entering/importing WV Content Standards and Objectives for association with course content/assessments
- b. Integrated tools for developing rubrics based on defined standards and competencies
- c. Options for using rubrics for self-, peer-, and instructor assessment
- d. Options for associating a rubric with a grade book entry
- e. Automatic grade submission from rubric scoring
- f. Options for associating a rubric with multiple course elements
- g. Sharable bank of rubrics across courses.

4.2.C.5 The bidder **should** describe how the proposed eLearning solution provides master course capabilities.

- a. Describe process for copying master courses
- b. Describe options for making changes to master courses.

4.2.C.6 The bidder **should** describe how the proposed eLearning solution addresses assets, learning objects, and shareable content objects, including but not limited to the following:

- a. Reusable learning objects in regard to integration, organization, management,
-

and delivery

- b. Options for importing and/or exporting content in SCORM format
- c. Options for integrating course modules from publishers and/or third party content providers
- d. Options for accessing repository resources from courses
- e. Common file repository with access for all instructors
- f. Multimedia and interactive elements, e.g., audio/video applications, embedded or linked audio and graphics, streaming video, animation, etc.

4.2.C.7 The bidder **should** list and describe how the proposed eLearning solution provides documentation, tutorials, and/or services with the product that instruct content developers on creating Reusable Learning Objects, including but not limited to the following:

- a. Options for customizing and/or branding documentation and tutorials
- b. Options for vendor-developed training/support materials according to WV Department of Education specifications.

4.2.C.8 The bidder **should** describe the organization, management, and access to directories, files, course content and activities, including but not limited to the following:

- a. Recognition by bidder's product of common file types from Windows and Macintosh
- b. Ability to upload entire directories at one time with structure retained for later viewing
- c. System support for the hierarchical view of content
- d. Process for version assignment, and how versioning is handled for each product
- e. Process for uploading, downloading, renaming and deleting files and directories
- f. Metadata standards the proposed eLearning solution adheres to
- g. Optional automatic assignment of metadata to uploaded content
- h. Storage of all students' activity in one location that is accessible to all instructors
- i. Temporary assignment of workspace for instructor, student, and group work / projects
- j. Backup capabilities including via desktop, selective course area, and restoring content from backup files
- k. Archive capabilities for course content, student work, and instructor work
- l. Rights assignment for content contained within the system.

4.2.C.9 The bidder **should** describe the templates or wizards to facilitate creation of course content and activities, including but not limited to the following:

- a. Course Layout Templates, defined as tools that help instructors create the initial structure for an online course
 - b. Course Planning Outline function
 - c. Online help for creating course materials
 - d. Options for managing course and course content modifications across multiple sections of a course sharing common content, group projects, tests, and
-

announcements.

4.2.C.10 The bidder **should** describe developer resource tools available, including but not necessarily be limited to the following:

- a. Course orientation and/or information program, including all required forms, which is customizable
- b. Demonstration courses
- c. Online Help Services
- d. Glossary for course-specific terms
- e. Glossary for support of foreign language terms
- f. User Guides for student use of course tools
- g. Other – list and describe.

4.2.C.11 The bidder **should** describe how the proposed eLearning solution provides instructor/developer course customization capabilities, including but not necessarily limited to the following:

- a. Customization functions controlled by roles and user permissions
- b. Customize course page colors, logos, button links, button design/color, names, background, screen content (i.e., text and graphics, display screen size)
- c. Options for selective release of course activities (e.g., course content, tests / quizzes, links, student projects, and discussion groups) to various sections of the course via either scheduled or manual release
- d. Ability to turn tools on/off within a course
- e. Ability to add or modify links to resources.

4.2.C.12 The bidder **should** describe how the proposed eLearning solution provides for course content revisions management capabilities, including but not necessarily limited to the following:

- a. Comment field to document/explain revisions made
- b. Revisions identified by user
- c. Revisions identified by date
- d. Ability to see all revisions to a course
- e. Ability to selectively accept revisions.

4.2.D Management Tools - In addition to written responses below, the vendor may provide screen captures of features to more fully demonstrate functionality. Place screen captures in Appendix D with reference to the particular specification (i.e., 4.2.D.1, 4.2.D.2) noted on the page with the screen capture.

4.2.D.1 The bidder **should** describe how the proposed eLearning solution provides user administration functions, including but not limited to the following:

- a. User application for account
 - b. Available fields in application
-

- c. Student/parent orientation
- d. Electronic submission of all required student documentation, etc.
- e. Options of the admissions system to be customized to organization's requirements
- f. Single course registration
- g. Multiple course registration
- h. Course drop, transfer from one section to another of the same course, and add transactions
- i. Multiple registration types (e.g., self registration, open enrollment, fixed start/stop courses, etc.)
- j. Options to integrate with West Virginia Department of Education developed enrollment system which is developed using Java programming and ODBC/JDBC data connections protocol
- k. Online Accounts Receivable Transaction and Payment Options
- l. Administrative Message Center
- m. Student Tracking System – by state, region, county, district, school, etc.
- n. Student notification system
- o. Closing or terminating course / sections
- p. Customizable options for all options listed above.

4.2.D.2 The bidder **should** describe the proposed solution's capabilities for course administration, including but not limited to the following:

- a. Online syllabus feature
- b. A syllabus format that minimally includes course start and end dates/time, course requirement outline, and required due dates
- c. Providing for assignment of course materials or specific course content to an individual student or group by the instructor
- d. Additional software/plugin required for course administration
- e. Options to organize and manage multimedia elements (i.e., image library, etc.)
- f. Options to search for courses via multiple parameters (i.e., name, code, start date, etc.)
- g. Options to perform the same operation on multiple selected courses (i.e., make course inactive)
- h. Options for managing and archiving completed/inactive courses
- i. Options for purging inactive courses and associated content
- j. Options for archiving and off-line storage of student course, section, and group work (i.e., threaded discussions, chats, and other online sessions), and supplemental instructor materials not included in the master course, grades, assessments, surveys, instructor feedback, etc.
- k. Options for purging inactive user accounts
- l. Options for restoring or offline viewing of archived courses.

4.2.D.3 The bidder **should** describe how the proposed eLearning solution provides course and course section management capabilities, including but not limited to the following:

- a. Description of course management process from prior to the course launch, and beginning of term through the end of the term and archiving
- b. Ability to create, copy, archive, and delete courses and users in batch mode
- c. Ability to archive courses based on predetermined timeline requirements
- d. Parameters of user activity that minimally include frequency, duration, content accessed, and discussion participation
- e. Parameters of user activity that provide for statistical reports based on the data captured
- f. Allowance for separate access requirements for guest students/instructors
- g. Course announcement by course and all sections of the course
- h. Automatic student confirmation for course drop/add transactions
- i. Student change notification for class meeting, time, and place
- j. Multiple roles and permission/security rights for users (i.e., configurable roles)
- k. Generation of class lists including email links for all participants without addresses being visible online
- l. Adding/deleting/moving students to or from a course, course section, and multiple courses.

4.2.D.4 The bidder **should** describe how the proposed eLearning solution provides options for learning cycle management, including but not limited to the following:

- a. Options for user-defined terms (i.e. semester, block, quarter, mid-term, etc.)
- b. Options for batch course/section creation
- c. Options for assigning students to courses and sections
- d. Options for exporting grades to West Virginia's Student Information Management System (WVEIS)
- e. List all file formats supported.

4.2.D.5 The bidder **should** describe how the proposed eLearning solution provides import/export capabilities from and to other eLearning management systems, including but not limited to the following:

- a. List other management systems with full import/export capabilities
- b. List other management systems with partial import/export capabilities and list exceptions
- c. List industry standards for import/export the bidder's product supports
- d. List and describe any proprietary data formats that will impact content migration.

4.2.D.6 The bidder **should** describe how the proposed eLearning solution provides multi-site support, including but not limited to the following:

- a. Options to support multiple sites delivering courses from the same hardware/software configuration
 - b. Allow for course offerings by single site, and/or as a multiple site shared offering
 - c. Options for an account in any single site to be enrolled in courses in multiple sites.
-

4.2.D.7 The bidder **should** describe how the proposed eLearning solution provides for system security, including, but not limited to, the following:

- a. Options for creating configurable roles (i.e., administrator, teacher, student, parent, guest, etc.)
- b. Limits on the number of configurable roles that can be created
- c. Add, modify, and delete users and/or their roles
- d. Options for providing different secure levels of system access for configurable roles - Bidder should provide a list of and describe all different levels of individual secure access
- e. Issuance and maintenance of user authentication
- f. Options for instructor or administrator to prevent student password changes
- g. Options for users to retrieve login information (i.e., username, password)
- h. Options for delegating administration of organizations, departments, users, etc.
- i. Options for tiered/restricted level access by authentication
- j. Access to grade book elements is determined by configurable roles (i.e., teacher assistants, tutors, mentors, school counselors, school administrators, and other K-12 staff with access defined by the administrator).

4.2.D.8 The bidder **should** describe how the proposed eLearning solution provides tools for searching the entire scope of all content and communication in all courses, including but not limited to the following:

- a. Options to restrict use to administrators, developers, and instructors
- b. Selectively include or exclude the searching of course components (i.e., uploaded files, e-mail, logs, and assessments, etc.)
- c. Options for exporting search results.

4.2.D.9 The bidder **should** describe how the proposed eLearning solution provides for offline data archiving functions, including but not limited to the following:

- a. Appropriate tools to move data
- b. Options for exporting all or selected course information and content
- c. Options for exporting all or selected data related to student activity (i.e., grades, discussion postings, chat logs, dates assignments completed, answers to quiz questions, teacher feedback, etc.)
- d. Options for accessing and/or restoring archived data.

4.2.D.10 The bidder **should** describe how the proposed eLearning solution provides reporting capabilities, including but not limited to the following:

- a. Reports available to multiple technical and non-technical user roles
 - b. Options for obtaining discrete data elements for non-technical users
 - c. Tools used to create standard reports provided by the product
 - d. Variety of standard reports and options for customizable reports (e.g., to parents, administrators, counselors, county curriculum personnel, parents, public etc.)
 - e. Options for making modifications to standard reports
 - f. Options for creating custom reports using a GUI or query language and to create
-

links to those reports

- g. List all formats in which reports can be delivered
- h. Options to view reports online or to export without previewing.

4.2.D.11 The bidder **should** describe how the proposed eLearning solution provides WV Department of Education direct access to databases via ODBC and other standard protocols, including but not limited to the following:

- a. Schema for WV Department of Education databases including list of tables, fields, data elements, etc.
- b. Identify reporting tools that can be used to access and analyze data.

4.2.E. TECHNICAL SPECIFICATIONS

4.2.E.1 The bidder **should** describe the technical specifications for the proposed eLearning solution, including but not limited to the following:

- a. Server requirements recommended for optimum product performance at a minimum of 30,000 users and 1000 courses
- b. Server Operating System (preferred and alternate)
- c. Database server
- d. Web server
- e. E-mail server
- f. Chat/Instant Messaging server
- g. Anti-virus
- h. Application server
- i. Streaming Media and other media server
- j. Scripting
- k. APIs
- l. SDKs
- m. Other services (list)
- n. Process for ensuring that applications written to integrate with the eLearning system remain compatible with new releases of the system
- o. Describe archiving and backup capabilities
- p. Describe any proprietary library resource access (e.g., SSO for access to external library resources)
- q. List of any software other than the learning platform that is required to be installed for the eLearning solution to be fully functional.

4.2.E.2 The bidder **should** describe the integration specifications and services for the proposed eLearning solution, including but not limited to the following:

- a. Identify and describe all integration services that are being proposed.
 - b. Integration with other eLearning systems and hardware
 - c. Integration with administrative systems and hardware
 - d. Integration with third party products recommended by bidder
-

- e. Integration with multiple systems
- f. Messaging
- g. APIs
- h. EDI
- i. Batch data import/export
- j. List of all industry standards adhered to in integration process
- k. List products that can be integrated
 - i. Out-Of-The-Box – application can share information with little or no effort
 - ii. Standards-Level – applications both adhere to certain third party standards for interoperability, but may require some effort by owner
 - iii. Application Program Interface (API) Level – applications both allow the owners access to the API in order to perform integration themselves
 - iv. Flat-File Data Sharing – both applications can import/export the required data to a format usable by another application.

4.2.E.3 The bidder **should** describe the Common User Interface, for the proposed eLearning solution, including but not limited to the following:

- a. Allowing easy navigation among applications screens for students and instructors
- b. End-user customization of applications screens to meet organizational requirements
- c. Flowchart/screen prints of user interface, indicating the points where organization customization is possible.

4.2.E.4 The bidder **should** describe the system security and services for the proposed eLearning solution, including but not limited to the following:

- a. Integrated basic system security
 - b. Authentication against external sources – i.e., client created servers, and authorization for initial, module, database, record, program, and field access
 - c. Integration with external authentication and authorization systems, including how student and instructor accounts are created and managed when using external authentication systems
 - d. Secure storage of User's personal information
 - e. Encryption methods and ability to interface with encryption software during communication between client stations, and various system servers
 - f. Process to ensure private/secure data is not left on client workstations after a session has ended
 - g. Usage logs including unauthorized attempts to access specific data, the system, system functionality, etc.
 - h. Notification system for security/administration personnel for security breaches
 - i. Notification criteria programmable by User for immediate notices and/or not urgent notices
 - j. Any other available security monitoring systems, i.e., off-site data center, and describe how this might be implemented
 - k. Describe product's authentication process (Authentication – defined as a
-

procedure that works like a lock and key by providing appropriate access to software or computer system by a user who enters unique user name and password)

- i. Describe product's Course Authorization process (Course Authorization – described as authorization tools used to regulate who can use the software and in what way, assign access privileges, and specific privileges to specific users or user groups)

4.2.E.5 The bidder **should** describe the database management and services for the proposed eLearning solution, including but not limited to the following:

- a. List any functional and/or technical variances of the system across the supported database management systems
- b. Identify the database system(s) utilized by the product including manufacturer name and product name
- c. Describe the level of product integration and ease of use
- d. List all components and objects that are stored outside the database. (e.g., CAD files, streaming video)
- e. Describe all tools provided by the system for managing system objects stored within the database
- f. Describe protocols provided by the system for accessing database (e.g., ODBC)
- g. Ability to add/update student records in batch mode
- h. Ability to add categories to student records in mid-course
- i. Capability for students to add to, correct, and/or update their own records
- j. Ability to export assessments, and grade book in a delineated format
- k. List Student Information Systems with which the proposed eLearning solution is capable of being integrated (Integration with Student Information System – defined as integration with student information tools connecting the product with student information systems, which typically connects the registration of the online class with the registration of the organization)
- l. Discuss integration with West Virginia Educational Information System – WVEIS (e.g., student enrollment and grade reporting).

4.2.E.6 The bidder **should** describe the scalability for the proposed eLearning solution, including but not limited to the following:

- a. Identify how performance is measured, and system software/hardware scaled to maintain acceptable performance, and describe how each tier is scaled and load balanced
 - b. Provide specifications of allowable latencies for synchronous services
 - c. Describe the technical architecture of the eLearning solution at each of the following concurrent usage levels:
 - i. 10,000 - 25,000
 - ii. 25,001 – 50,000
 - iii. 50,001 – 100,000
 - iv. 100,001 – 200,000
-

- v. >200,001
- d. List any limitations for the maximum number of concurrent users supported.

4.2.E.7 The bidder **should** describe the search capabilities for the proposed eLearning solution, including but not limited to the following:

- a. Describe the full-text search capabilities included and list the major features
- b. Identify all search engines which are proven to successfully work with the proposed eLearning solution
- c. Identify any Application Programming Interface (API) that provides for an alternate search engine, and list all features that use this search engine
- d. Describe wildcard and regular expression search options.

4.2.E.8 The bidder **should** describe the commonly used protocols for data communication for the proposed eLearning solution, including but not limited to the following:

- a. List all products and features that require XML
- b. Describe any XML standards or features that the proposed eLearning solution uses or is dependent on (e.g., XML 1.0, SAX 1.0 / 2.0, XML Namespaces, etc.)
- c. List all XML parser(s) used by the product
- d. List all XML transformation services used by the product
- e. List all message oriented middleware products proven to successfully work with proposed eLearning solution including manufacturer name and product name
- f. List product features that use middleware products
- g. List all web services the bidder's product provides, and briefly describe each service
- h. List all web service standards currently supported by the product
- i. Specify technology used by the web services offered
- j. Describe all external web services, not contained within the product offerings, the bidder's product uses or plans to use including the name, URL, and description of services offered
- k. Describe product support for Internet Protocol (IP) for communications, and any supported standards and version/release numbers.

4.2.E.9 The bidder **should** describe the web browsers, software, hardware and operating systems supported by the proposed eLearning solution, including but not limited to the following:

- a. Describe workstation requirements for administrators, instructors, and students including, but not limited to:
 - i. Workstation Platform (Microsoft Windows, Apple Macintosh, UNIX, etc.)
 - ii. Processor Type and Speed
 - iii. RAM Recommendation
 - iv. Storage Requirements
 - v. Graphics Card and Memory
 - vi. Sound Card Recommendations
 - b. Operating System – product, version and plug-ins/patches
-

- c. List browser name, version number, operating system, and all plug-ins, patches and/or fixes recommended
- d. Describe options for access to the course management system (e.g., PDAs, cell phones, etc.)
- e. Describe required bandwidth for the client
- f. Describe vendor's support for Common User Interface
- g. Describe any current known issues with AOL, MSN, or other Internet Access providers
- h. Identify whether the Web client and recommended plug-ins are the only requirements needed to view all course materials
- i. List any additional requirements to view all formats of course materials
- j. Describe client side software required other than web browsing and plug-in
- k. List the file formats supported by Vendor's product, and method of uploading each format
- l. Specify compliant display required for content, assessment, discussions and work area (i.e., 800x600 pixel display or better)
- m. List recommended media players allowing for optimum product performance, include brands, models, size, and type.

4.2.F. VENDOR SERVICES

4.2.F.1 The bidder **should** describe Hosted Solution/ASP capabilities, including but not limited to the following:

- a. Technical support capabilities including, but not limited to, staffing 24x7x365 for students and instructors, and other staff - If technical support is not available 24x7x365, specify hours of operation, weekend service, and holiday coverage
 - b. Customer's access to their own data files, how customer information is updated, and what access customer has to hosting facilities
 - c. Employee non-disclosure policy/procedure, regarding organization's data files
 - d. Disaster Recovery Plan including, but not limited to:
 - i. Current Disaster Recovery Plan in place, and identify the general steps to be addressed in this plan
 - ii. Bidder's process to backup and restore system after a crash, including whether recovery is automatic, etc.
 - iii. Average crash recovery timelines for a small, average, and high-end system
 - iv. Length of time a system is unavailable due to a system backup, and what is the recommended backup schedule
 - v. Frequency of system crashes experienced by a typical customer, and identify potential for data loss during a crash situation
 - e. Physical security of the site where the solution will be hosted including, but not limited to, the following:
 - i. Access restrictions
-

- ii. Electronic entry monitoring systems
- iii. Uninterrupted power
- iv. Failover systems
- f. Plan for hardware obsolescence and the full lifecycle of server and peripheral systems
- g. Capabilities of the server facility to provide sufficient bandwidth for the number of WV licenses in the Component Cost Sheet found in Appendix H-1.
- h. Storage and processing capacity of the server facility - indicate disk storage space provided in proposal and indicate if any additional costs/penalties apply if storage space is exceeded (do NOT list costs in Technical Written Proposal Section - any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)
- i. Storage limits or quotas for Learning Object Repository, ePortfolio, Course shells including course files, student "lockers", attachments to discussions, etc.
- j. Indicate bandwidth provided in proposal and indicate if any additional costs/penalties apply if bandwidth usage is exceeded (do NOT list costs in Technical Written Proposal Section - any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal).

4.2.F.2 The bidder **should** describe the installation and configuration process for the proposed eLearning solution, including but not limited to the following:

- a. Identify all installation services proposed *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.)*
- b. Identify and thoroughly describe post-installation steps/requirements organization is responsible for upon completion of the installation process
- c. Attach a copy of a tentative Installation performance schedule – daily, weekly, etc., tasks to be performed, and person or organization responsible for task.

4.2.F.3 The bidder **should** describe the conversion process for the proposed eLearning solution, including but not limited to the following:

- a. Identify all conversion services proposed *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)*
- b. Identify and thoroughly describe post-conversion steps/requirements organization is responsible for upon completion of the installation process
- c. Attach a copy of a tentative conversion performance schedule – daily, weekly, etc., tasks to be performed, and person or organization responsible for task.

4.2.F.4 The bidder **should** describe successful migrations of course content and data from D2L eLearning system, including but not limited to:

- a. Any known limitations this process may have
 - b. Student and teacher data from completed course
 - c. Identify time needed for course content and data conversions.
-

4.2.F.5 The bidder **should** describe the helpdesk and technical support services for system administrators provided by the bidder for the proposed eLearning solution, including but not limited to the following:

- a. Identify all helpdesk and technical support services proposed (Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)
- b. Identify all technical services for which an extra charge is incurred if the work is not done between 6:00 AM and 9:00 PM Eastern Standard Time (Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)
- c. List availability of helpdesk services to Institution's system administrative staff, e.g., 24x7, or specific daily/weekend hours, time zone variations, and any and all other factors related to availability
- d. Identify any weekends or company holidays that service will not be available
- e. Identify options for telephone support being provided by the bidder (e.g., toll free number, prepaid call)
- f. Describe procedures/authentication for Institution's access to system administrator Help Desk services
- g. Trouble reporting/technical service request and escalation procedures
- h. On-line problem reporting capability
- i. Identify the skill and experience level of bidder's technicians who supply on-line training and/or technical support
- j. Identify whether technical staff is fully trained to work with Assistive Technologies. e.g., JAWS, Window Eyes
- k. Describe capability for technicians and customer service staff to answer Institution's calls with an individualized WVDE greeting and/or capability to assign staff members as dedicated technical support to WVDE queries
- l. Describe system for users to report bugs, how reports are tracked, and method used to provide the fix to all customers
- m. Describe helpdesk response times, service levels percentage, and escalation procedures for technical support requests
 - i. Initial response via phone or email acknowledging help request
 - ii. Problem identification
 - iii. Problem resolution
 - iv. Solution implementation with assistance as needed
 - v. Escalation when appropriate.

4.2.F.6 The bidder **should** describe the helpdesk support services for end users (instructors, students, parents) provided by the bidder for the proposed eLearning solution, including but not limited to the following:

- a. Identify all helpdesk services proposed (Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)
 - b. Identify all helpdesk services for which an extra charge is incurred if the work is not done between 6:00 AM and 9:00 PM Eastern Standard Time (Any
-

associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)

- c. List availability of helpdesk services to Institution's end users, e.g., 24x7, or specific daily/weekend hours, time zone variations, and any and all other factors related to availability
- d. Identify any weekends or company holidays that service will not be available
- e. Identify options for telephone support being provided by the bidder (e.g., toll free number, prepaid call)
- f. Describe procedures/authentication for Institution's access to end user Help Desk services
- g. Trouble reporting/technical service request and escalation procedures
- h. On-line problem reporting capability
- i. Identify the skill and experience level of bidder's technicians who supply on-line training and/or technical support
- j. Identify whether technical staff is fully trained to work with Assistive Technologies. e.g., JAWS, Window Eyes
- k. Describe capability for technicians and customer service staff to answer Institution's calls with an individualized WVDE greeting and/or capability to assign staff members as dedicated technical support to WVDE queries
- l. Describe system for users to report bugs, how reports are tracked, and method used to provide the fix to all customers
- m. Describe helpdesk response times, service levels percentage, and escalation procedures for technical support requests.
 - i. Initial response via phone or email acknowledging help request
 - ii. Problem identification
 - iii. Problem resolution
 - iv. Solution implementation with assistance as needed.
 - v. Escalation when appropriate.

4.2.F.7 The bidder **should** describe how the proposed eLearning solution provides the maintenance services and software updates (Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.), including but not limited to the following:

- a. Frequency of major upgrades and minor updates
 - b. Indicate if Institution will be notified of new features included in a release
 - c. Indicate if Institution will be notified of any features that are removed in a new release
 - d. Indicate if Institution will be notified of new bugs included in a release
 - e. Indicate if Institution will be notified of any effects on existing courses or data.
 - f. Indicate if Institution has the option to refuse a release
 - g. Identify all maintenance and software update services for which an extra charge is incurred if the work is not done between 6:00 AM and 9:00 PM Eastern Standard Time (*Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal*).
-

4.2.F.8 The bidder **should** describe how the proposed eLearning solution provides staff development/training for administrative and technical staff, instructors, Teaching Assistants, K-12 mentors, course facilitators, tutors, and/or developers, including but not limited to the following:

- a. Identify all Staff Development/Training Services proposed. *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal)*
- b. Teaching methods employed (e.g., instructor led, distance learning, and/or train-the-trainer). The bidder should note any methods or materials that are exclusive to bidder.
- c. Whether the Bidder or a subcontractor provides training.
- d. List of standard training courses or training materials offered by Bidder.
- e. Ability to provide customized training classes to address individual organization requirements, include class size, locations, and time limitations.

4.2.F.9 The bidder **should** describe how the proposed eLearning solution provides consulting and professional services, including but not limited to:

- a. Identify all consulting and professional services proposed *(Any associated costs, if applicable, must be identified in bidder's separately submitted cost proposal.)*
- b. Methods employed (e.g., onsite, webinar, remote access).

4.2.G. PORTAL

4.2.G.1 The bidder **should** describe how the proposed eLearning solution provides the Portal functions, including but not limited to the following:

- a. Portal integration features e.g., login and authentication for Portal access and eLearning solution access
 - b. Portal licensing requirements for registered users (teachers, students, etc.) and parents/guardians to monitor student activities/performance
 - c. Options for personalization of portal page to reflect appearance, content, and layout preferences
 - d. Administrative capabilities and technical requirements of the proposed Portal
 - e. Any limitations to the Portal, e.g., file size, bandwidth in a hosted solution, availability of organization to use PERL/CGI/Java/ODBC, and any other limitation that would impact the development and delivery of a robust WVDE Portal solution
 - f. Features available in the Portal including, but not limited to, Internet search and navigation; email; instant messaging, customized news, weather, planners, calendars, and contact managers; bookmark managers to save favorite web sites; real-time chat; and discussion boards
 - g. Capabilities for providing secure access to confidential or restricted information.
-

4.2.G.2 The bidder **should** describe how the proposed eLearning solution provides for end-user organizational home page capabilities, including but not limited to the following:

- a. Use of the organization's specific URL, logos, etc.
- b. Text/graphics capabilities
- c. Audio/video capabilities for the organization's eLearning program page
- d. Information or links to the following:
 - i. Calendar and/or Student Activity Page
 - ii. Organization-wide announcements
 - iii. Teacher Conference Center – student/parent
 - iv. Available Internet resources
- b. Link URLs to course whenever possible
- c. Full course listing on one page with link to individual course information
- e. Audio / visual instructors introductions
- f. Online organization library access – the bidder should identify if technical skills are required by an instructor and/or administrator in order to customize the Home Page (i.e., HTML)
- g. Assistive student access
- h. Integrated course catalog
- i. Customization for course pages design – including colors, look, fonts, button style, course selection headings.

Proposal Checklist (Appendix F) - The mandatory sections included in part 3 require a response in Part 4, which describes the minimum requirements requested in this RFP. Any specification or statement containing the word "must", "shall," or "will" are mandatory. The vendor is required to meet the intent of the mandatory specifications in order to be eligible for consideration and to continue in the evaluation process. Failure to meet mandatory items shall result in disqualification of the vendor's proposal and the evaluation process terminated for that vendor. Decisions regarding compliance with the intent of any mandatory specification shall be at the sole discretion of the State.

A checklist of mandatory and desirable items is included in Appendix F for the bidder's use in ensuring that all items have been addressed. The bidder should complete the Proposal Checklist (Appendix F) by indicating whether the bidder has met each mandatory item and each desirable item. The bidder should indicate the page number and paragraph reference in the proposal that contains the information demonstrating that the bidder has met the intent of the specification. Simply responding 'met' may not be considered an adequate response. Bidders are encouraged to reply in writing to mandatory specifications to ensure that they understand the intent of the specification.

If information is included in your response that applies to more than one question, you may either provide the information multiple times OR you may include the information in an appendix with CLEAR and ACCURATE references in the proposal to the location of the information in the appendix.

Remember that all cost information must be included in the Bidder's COST proposal and is **NOT** to be included in the written technical proposal. Inclusion of cost information in the written technical proposal may result in disqualification of the bidder's proposal from further consideration.

4.3 EVALUATION PROCESS

4.3.1 METHOD OF EVALUATION:

The proposals will be evaluated by a committee of three (3) or more individuals in accordance with the criteria stated. The Vendor who meets all the mandatory specifications and attains the highest point score of all vendors shall be awarded the contract. The selection of the successful vendor will be made by a consensus of the evaluation committee.

4.3.2 ORAL PRESENTATION:

The Evaluation Committee will require, as a part of the written technical evaluation, bidders to demonstrate their proposed solution(s) and/or to provide an oral presentation. This may include any function, product, or system capability included in the bidder's proposal. Bidders shall prepare a demonstration of all components of the proposed solution to a substantial level of its functionality and compliance with the specifications of this proposal.

The demonstration shall take place in the vicinity of Charleston, West Virginia. The bidder will be responsible for set-up for the demonstration and for expenses incurred in preparing for and providing the demonstration. Agency will provide bidders a minimum one-week notice to prepare for the demonstration. Bidders may not have a choice as to demonstration date or time.

4.3.3 COST PROPOSALS:

Any cost proposal that is incomplete, in which there are significant inconsistencies or inaccuracies, or that does not comply with the requirements for the cost proposal submission contained in this RFP, will be rejected. See Appendix I for the cost form which is to be completed.

Appendix H represents optional costs which should be completed by the vendors. Pricing in these sections will not be considered in the cost evaluation. Instead, these costs sheets will assure that pricing for ancillary products, not material to the overall RFP will be known and available if they are desired in the future.

4.4 EVALUATION CRITERIA: The following are the evaluation factors and maximum points possible for technical point scores:

Component	Total Points Possible
A. Prime Vendor/Vendor's Product Offering	5
B. eLearning Tools	14
C. Course Development and Revision Tools	14
D. Management Tools	14
E. Technical Specifications	4
F. Vendor Services	6
G. Portal	3
H. Oral Presentation/Demonstration	10
Subtotal	70
Cost	30
Total	100

Each cost proposal cost will be scored by use of the following formula for all vendors who attained the Minimum acceptable score:

Lowest price of all proposals

----- X 30 = Price Score

Price of Proposal being evaluated

4.5 Minimum Acceptable Score:

Vendors must score a minimum of 70% of the total technical points possible. The technical points are listed above in Section 4.4. The minimum qualifying score on the technical portion is 49 points. All vendors not attaining the minimum acceptable score (MAS) shall be disqualified and removed from further consideration.

The State will select the successful vendor's proposal based on best value purchasing which is not necessarily the vendor with the lowest price. Cost is considered but is not the sole determining factor for award. The State does reserves the right to accept or reject any or all of the proposals, in whole or in part, without prejudice, if to do so is felt to be in the best interests of the State.

Vendor's failure to provide complete and accurate information may be considered grounds for disqualification. The State reserves the right, if necessary, to ask vendors for additional information to clarify their proposals.

APPENDICES



APPENDIX A TABLE OF FEATURES AND FUNCTIONS

Mark the table regarding tools and features that the proposed eLearning solution offers.

Yes: The feature is fully supported or implemented in the vendor's basic eLearning product license.

Option: The feature is available as an option (or additional product) from the vendor and is not part of the basic eLearning product license.

Third Party Support: The feature is available as a third-party extension to the product.

No: The proposed solution does not support this feature.

4.2.A.7 Feature	Short Description	Yes	Option	3 rd Party	No
File Exchange Tool					
Internal E-mail Tool					
External E-mail Tool					
Asynchronous threaded discussion tool					
Synchronous Application Sharing Tool					
Journal/Note-Taking Tool					
Whiteboard Tool					

4.2.A.7					
Feature	Short Description	Yes	Option	3rd Party	No
Synchronous chat Tool					
Instant Messaging Tool					
Audio/Video Service Tool					
Groupwork Tools (Blogs, Wikis, Collaborative Workspaces)					
ePortfolio Tool					
Reporting Tools					
Online Gradebook Tool					
Online Calendaring Tool					
Instructor Community building Tool(s)					
Browser-based content authoring tool					
Browser-based assessment authoring tool					

4.2.A.7					
Feature	Short Description	Yes	Option	3rd Party	No
World Languages authoring tool					
Learning Object Repository					
Quizzing Tool					
Auto-grade feature Tool					
Survey Tool					
Standards-based Assessment Tools (rubrics, etc.)					
Developer Resource Tools					
User Administration (Registration) Tool					
Course Administration Tool					
Multi-site delivery Tool					
System Security Tools					

4.2.A.7 Feature	Short Description	Yes	Option	3 rd Party	No
Search Tools					
Offline data archiving Tools					
Import/Export Tools					
Reporting Tools for accessing eLearning solution databases					

APPENDIX B SCREEN CAPTURES FOR SECTION 4.2.B ELEARNING TOOLS

In addition to written response to specifications, the vendor may provide screen captures of features to more fully demonstrate functionality. Place screen captures in Appendix B with reference to the particular specification (i.e., 4.2.B.1, 4.2.B.2) noted on the page with the screen capture.

APPENDIX C SCREEN CAPTURES FOR SECTION 4.2.C COURSE DEVELOPMENT AND REVISION TOOLS

In addition to written response to specifications, the vendor may provide screen captures of features to more fully demonstrate functionality. Place screen captures in Appendix C with reference to the particular specification (i.e., 4.2.C.1, 4.2.C.2) noted on the page with the screen capture.



APPENDIX D SCREEN CAPTURES FOR SECTION 4.2.D MANAGEMENT TOOLS

In addition to written response to specifications, the vendor may provide screen captures of features to more fully demonstrate functionality. Place screen captures in Appendix D with reference to the particular specification (i.e., 4.2.D.1, 4.2.D.2) noted on the page with the screen capture.

APPENDIX E PROPOSAL TITLE PAGE
Written Technical Proposal

<i>RFP Subject and Number:</i>
<i>Vendor Business Address and Telephone Number:</i>
<i>Name and Title of Person Authorized to Speak on Behalf of the Vendor:</i>
<i>Names, email addresses, telephone numbers, fax numbers for bidder personnel to be contacted for proposal clarification purposes:</i>
<i>Signature of Person Authorized to Obligate the Organization to this Proposal:</i>
<i>Date:</i>

Note: A completed Proposal Title Page **should** be included with the bidder's **written technical proposal**.

APPENDIX F PROPOSAL CHECKLIST – 3.2.A – 3.2.G AND 4.2.A -4.2.G

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
A. Prime Vendor/Vendor's Product Offering					
3.2.A.1.	✓				
3.2.A.2.	✓				
3.2.A.3.	✓				
3.2.A.4.	✓				
3.2.A.5.	✓				
3.2.A.6.		✓			
3.2.A.7.	✓				
3.2.A.8.	✓				
3.2.A.9.	✓				
3.2.A.10.		✓			
3.2.A.11.		✓			
3.2.A.12.	✓				
3.2.A.13.		✓			
3.2.A.14.	✓				
B. eLearning Tools					
3.2.B.1.	✓				
3.2.B.2.	✓				
3.2.B.3.	✓				

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
3.2.B.4.		✓			
3.2.B.5.		✓			
3.2.B.6.		✓			
3.2.B.7.		✓			
3.2.B.8.		✓			
3.2.B.9.		✓			
3.2.B.10.		✓			
3.2.B.11.	✓				
3.2.B.12.	✓				
3.2.B.13.	✓				
3.2.B.14.	✓				
3.2.B.15.		✓			
C. Course Development Tools					
3.2.C.1.	✓				
3.2.C.2.	✓				
3.2.C.3.	✓				
3.2.C.4.		✓			
3.2.C.5.		✓			
3.2.C.6.	✓				
3.2.C.7.		✓			
3.2.C.8.	✓				
3.2.C.9.		✓			

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
3.2.C.10.	✓				
3.2.C.11.	✓				
3.2.C.12.	✓				
D. Management Tools					
3.2.D.1.	✓				
3.2.D.2.	✓				
3.2.D.3.	✓				
3.2.D.4.	✓				
3.2.D.5.	✓				
3.2.D.6.		✓			
3.2.D.7.	✓				
3.2.D.8.		✓			
3.2.D.9.		✓			
3.2.D.10.	✓				
3.2.D.11.		✓			
E. Technical Specifications					
3.2.E.1.	✓				
3.2.E.2.	✓				
3.2.E.3.	✓				
3.2.E.4.	✓				
3.2.E.5.	✓				
3.2.E.6.	✓				

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
3.2.E.7.	✓				
3.2.E.8.	✓				
3.2.E.9.	✓				
F. Vendor Services					
3.2.F.1.	✓				
3.2.F.2.	✓				
3.2.F.3.	✓				
3.2.F.4.		✓			
3.2.F.5.	✓				
3.2.F.6.	✓				
3.2.F.7.	✓				
3.2.F.8.	✓				
3.2.F.9.	✓				
G. Portal					
3.2.G.1.	✓				
3.2.G.2.		✓			
A. Prime Vendor/Vendor's Product Offering					
4.2.A.1.		✓			
4.2.A.2.		✓			
4.2.A.3.		✓			

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
4.2.A.4.		✓			
4.2.A.5.		✓			
4.2.A.6.		✓			
4.2.A.7.		✓			
4.2.A.8.		✓			
4.2.A.9.		✓			
4.2.A.10.		✓			
4.2.A.11.		✓			
4.2.A.12.		✓			
4.2.A.13.		✓			
4.2.A.14.		✓			
B. eLearning Tools					
4.2.B.1.		✓			
4.2.B.2.		✓			
4.2.B.3.		✓			
4.2.B.4.		✓			
4.2.B.5.		✓			
4.2.B.6.		✓			
4.2.B.7.		✓			
4.2.B.8.		✓			
4.2.B.9.		✓			
4.2.B.10.		✓			

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
4.2.B.11.		✓			
4.2.B.12.		✓			
4.2.B.13.		✓			
4.2.B.14.		✓			
4.2.B.15.		✓			
C. Course Development Tools					
4.2.C.1.		✓			
4.2.C.2.		✓			
4.2.C.3.		✓			
4.2.C.4.		✓			
4.2.C.5.		✓			
4.2.C.6.		✓			
4.2.C.7.		✓			
4.2.C.8.		✓			
4.2.C.9.		✓			
4.2.C.10.		✓			
4.2.C.11.		✓			
4.2.C.12.		✓			
D. Management Tools					
4.2.D.1.		✓			
4.2.D.2.		✓			
4.2.D.3.		✓			

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
4.2.D.4.		✓			
4.2.D.5.		✓			
4.2.D.6.		✓			
4.2.D.7.		✓			
4.2.D.8.		✓			
4.2.D.9.		✓			
4.2.D.10.		✓			
4.2.D.11.		✓			
E. Technical Specifications					
4.2.E.1.		✓			
4.2.E.2.		✓			
4.2.E.3.		✓			
4.2.E.4.		✓			
4.2.E.5.		✓			
4.2.E.6.		✓			
4.2.E.7.		✓			
4.2.E.8.		✓			
4.2.E.9.		✓			
F. Vendor Services					
4.2.F.1.		✓			
4.2.F.2.		✓			
4.2.F.3.		✓			

Proposal Specification	Mandatory	Desirable	Met	Not Met	Proposal Page and Paragraph Reference
4.2.F.4.		✓			
4.2.F.5.		✓			
4.2.F.6.		✓			
4.2.F.7.		✓			
4.2.F.8.		✓			
4.2.F.9.		✓			
G. Portal					
4.2.G.1.		✓			
4.2.G.2.		✓			

APPENDIX G CERTIFICATE OF PRICES AND PROPOSAL CERTIFICATION COST PROPOSAL

The box provided below requires the bidder to certify, by authorized signature, that the products being bid are deliverable, demonstrable, and that prices for these same products are correct as of the date of this proposal. Any disparity between the prices quoted in this proposal and those prices reflected in the subsequent contract resulting from this RFP may be grounds for termination of the contract.

Certificate of Prices

And

Proposal Certification

This is to certify that the total system proposed for delivery as detailed in this proposal to the State of West Virginia is both deliverable and demonstrable. All prices relative to all components of this proposal are correct as of the date of this proposal and shall be included in any final contract or arrangement.

Company Name: _____

Authorized Signature: _____

Title: _____

Phone Number: _____

Email Address: _____

Date: _____

*Note: A completed Certificate of Prices and Proposal Certification **should** be included with the bidder's cost proposal.*

APPENDIX H-1 – COST PROPOSAL

COMPONENT COST SHEET: SOFTWARE LICENSE

eLearning Platform (Learning Management Platform)

Item (Number of Licenses)	Item Description	Cost for Vendor Hosted
< =10,000	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting	
10,001 – 25,000	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting	
25,001 – 50,000	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting	
50,001 – 100,000	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting	
100,001 – 200,000	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting	
>200,000	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting	

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-2 – COST PROPOSAL

COMPONENT COST SHEET: SOFTWARE LICENSE

Portal

Item (Number of Licenses)	Item Description - Includes log-in access for registered users (teachers, students, etc.) and parents/guardians to monitor student activities/performance	Cost for Vendor Hosted
< =10,000	Portal Licenses per user on annual basis including vendor hosting	
10,001 – 25,000	Portal Licenses per user on annual basis including vendor hosting	
25,001 – 50,000	Portal Licenses per user on annual basis including vendor hosting	
50,001 – 100,000	Portal Licenses per user on annual basis including vendor hosting	
100,001 – 200,000	Portal Licenses per user on annual basis including vendor hosting	
>200,000	Portal Licenses per user on annual basis including vendor hosting	

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-3 – COST PROPOSAL

COMPONENT COST SHEET: SOFTWARE LICENSE

ePortfolio

Item (Number of Licenses)	Item Description including all applicable units and pricing categories	Cost for Vendor Hosted (If included in eLearning platform license(H-1) enter \$0 in this column)
< =1000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	
1,001 – 5,000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	
5,001 – 10,000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	
10,001 – 20,000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	
20,001 – 40,000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	
40,001 – 100,000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	
> 100,000	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)	

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-4 – COST PROPOSAL

COMPONENT COST SHEET: SOFTWARE LICENSE Learning Object Repository

Item (Number of Licenses)	Item	Cost for Vendor Hosted (If included in eLearning platform license(H-1) enter \$0 in this column)
< =1000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	
1,001 – 5,000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	
5,001 – 10,000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	
10,001 – 20,000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	
20,001 – 40,000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	
40,001 – 100,000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	
> 100,000	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)	

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-5 – COST PROPOSAL

COMPONENT COST SHEET: DATA STORAGE

Item (Number of Licenses)	Item Identify storage allowance per user or total site storage allowance and cost for excess storage	Cost for Vendor Hosted (If included in other license costs enter \$0 in this column)
eLearning Platform (LMS) user storage	eLearning Platform (LMS) user storage	
ePortfolio user storage	ePortfolio user storage	
Total Site Storage		

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-6 – COST PROPOSAL

COMPONENT COST SHEET: CONVERSION/IMPORT OF COURSE

Item	Item Description	Cost
One Course	Includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data	
2 - 5 Courses	Includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data	
6 – 15 Courses	Includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data	
16 – 30 Courses	Includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data	
31 – 50 Courses	Includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data	
51 – 100 Courses	Includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data	

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-7 – COST PROPOSAL

COMPONENT COST SHEET: STAFF DEVELOPMENT/TRAINING

Item - (List all training options included in proposal.)	Item Description including all applicable units and pricing categories; list all types of training and associated pricing models. Indicate if training is on-site, remote, or other options on separate lines.	Cost

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX H-8 – COST PROPOSAL

COMPONENT COST SHEET: TECHNICAL SUPPORT SERVICES

Item	Item Description	Cost
Course development	Provide cost per hour for course development provided by vendor course developers	
System Maintenance	Provide cost per hour of technical support service for any maintenance done during regular business hours	
System Maintenance	Provide cost per hour of technical support service for any maintenance done outside regular business hours	
Custom reports	Provide cost per hour of technical support service for creation of custom reports or data exports	
Product customization	Provide cost per hour of technical support service for custom programming to WVDE needs (e.g., data integration, Portal appearance changes, etc.)	
HelpDesk for end users (students, teachers, course developers, etc.)	Provide annual cost for HelpDesk services for end users (include maximum number of calls allowed and hours of service)	
HelpDesk for System Administrators	Provide annual cost for HelpDesk services for Administrators (include maximum number of calls allowed and hours of service)	
Disaster recovery	Provide annual cost for disaster recovery service within 24 hours of incident	

Any cost associated with the bidder's proposal not listed by the bidder will be the bidder's responsibility. Costs quoted shall be all-inclusive. No separate reimbursement will be made for travel or any other expense.

Costs listed on this page are considered optional pricing and will not be considered in the evaluation of this RFP.

APPENDIX I

PROFILE LICENSING PROPOSAL WORKSHEET

Profile Response Sheet

Quantity	Item	Unit Cost	Total Cost
30,000 licenses	eLearning Platform (LMS) Licenses per user on annual basis for unlimited number of courses including vendor hosting		
30,000 registered users licenses	Portal Licenses per user on annual basis for unlimited number of courses including vendor hosting		
15,000 parent/guardian licenses	Portal Licenses per user on annual basis for unlimited number of courses including vendor hosting		
5,000 licenses	ePortfolio Licenses (direct access to ePortfolio for creation, maintenance, presentation features, etc.)		
500 licenses	Learning Object Repository Licenses (direct access to the LOR management for creation, downloading, metadata tagging features, etc.)		

Quantity	Item	Unit Cost	Total Cost
15,000 users with 100MB of online storage	eLearning Platform (LMS) user storage		
250 users with 2 GB of online storage	ePortfolio user storage		
30 courses	Course conversions/imports from current D2L platform; includes all course content and activities (quizzes, discussion forums, surveys, gradebooks, etc.) but not including student data		
2 days	Onsite training for 10 system administrators		
2 days	Onsite training for 20 teachers/course developers		
2 hours	Online webinars for end users (teachers, course developers, etc.)		

Quantity	Item	Unit Cost	Total Cost
10 hours	Course development provided by vendor course developers		
50 hours	Creation of custom reports or data exports		
10 hours	Custom programming to WVDE needs (e.g., data integration, Portal appearance changes, etc.)		
2400 calls on annual basis	HelpDesk services for end users		
Annual/Unlimited calls	HelpDesk services for administrators		
Annual/Unlimited incidents	Disaster recovery within 24 hours of incident		
TOTAL Add amount from Total Cost cells above and enter sum here:			

RFQ No. _____

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

VENDOR OWING A DEBT TO THE STATE:

West Virginia Code §5A-3-10a provides that: No contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and the debt owed is an amount greater than one thousand dollars in the aggregate.

PUBLIC IMPROVEMENT CONTRACTS & DRUG-FREE WORKPLACE ACT:

If this is a solicitation for a public improvement construction contract, the vendor, by its signature below, affirms that it has a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code**. The vendor **must** make said affirmation with its bid submission. Further, public improvement construction contract may not be awarded to a vendor who does not have a written plan for a drug-free workplace policy in compliance with Article 1D, Chapter 21 of the **West Virginia Code** and who has not submitted that plan to the appropriate contracting authority in timely fashion. For a vendor who is a subcontractor, compliance with Section 5, Article 1D, Chapter 21 of the **West Virginia Code** may take place before their work on the public improvement is begun.

ANTITRUST:

In submitting a bid to any agency for the state of West Virginia, the bidder offers and agrees that if the bid is accepted the bidder will convey, sell, assign or transfer to the state of West Virginia all rights, title and interest in and to all causes of action it may now or hereafter acquire under the antitrust laws of the United States and the state of West Virginia for price fixing and/or unreasonable restraints of trade relating to the particular commodities or services purchased or acquired by the state of West Virginia. Such assignment shall be made and become effective at the time the purchasing agency tenders the initial payment to the bidder.

I certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, limited liability company, partnership or person or entity submitting a bid for the same materials, supplies, equipment or services and is in all respects fair and without collusion or fraud. I further certify that I am authorized to sign the certification on behalf of the bidder or this bid.

LICENSING:

Vendors must be licensed and in good standing in accordance with any and all state and local laws and requirements by any state or local agency of West Virginia, including, but not limited to, the West Virginia Secretary of State's Office, the West Virginia Tax Department, West Virginia Insurance Commission, or any other state agencies or political subdivision. Furthermore, the vendor must provide all necessary releases to obtain information to enable the Director or spending unit to verify that the vendor is licensed and in good standing with the above entities.

CONFIDENTIALITY:

The vendor agrees that he or she will not disclose to anyone, directly or indirectly, any such personally identifiable information or other confidential information gained from the agency, unless the individual who is the subject of the information consents to the disclosure in writing or the disclosure is made pursuant to the agency's policies, procedures and rules. Vendor further agrees to comply with the Confidentiality Policies and Information Security Accountability Requirements, set forth in <http://www.state.wv.us/admin/purchase/privacy/noticeConfidentiality.pdf>.

Under penalty of law for false swearing (**West Virginia Code §61-5-3**), it is hereby certified that the vendor affirms and acknowledges the information in this affidavit and is in compliance with the requirements as stated.

Vendor's Name: _____

Authorized Signature: _____ Date: _____

State of West Virginia

VENDOR PREFERENCE CERTIFICATE

Certification and application* is hereby made for Preference in accordance with **West Virginia Code**, §5A-3-37. (Does not apply to construction contracts). **West Virginia Code**, §5A-3-37, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the **West Virginia Code**. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Resident Vendor Preference, if applicable.

1. Application is made for 2.5% resident vendor preference for the reason checked:

- _____ Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; **or**,
 _____ Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; or 80% of the ownership interest of Bidder is held by another individual, partnership, association or corporation resident vendor who has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification; **or**,
 _____ Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; **or**,

2. Application is made for 2.5% resident vendor preference for the reason checked:

- _____ Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; **or**,

3. Application is made for 2.5% resident vendor preference for the reason checked:

- _____ Bidder is a nonresident vendor employing a minimum of one hundred state residents or is a nonresident vendor with an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia employing a minimum of one hundred state residents who certifies that, during the life of the contract, on average at least 75% of the employees or Bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; **or**,

4. Application is made for 5% resident vendor preference for the reason checked:

- _____ Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; **or**,

5. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

- _____ Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; **or**,

6. Application is made for 3.5% resident vendor preference who is a veteran for the reason checked:

- _____ Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) reject the bid; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Under penalty of law for false swearing (West Virginia Code, §61-5-3), Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: _____ **Signed:** _____

Date: _____ **Title:** _____

**Check any combination of preference consideration(s) indicated above, which you are entitled to receive.*